

**CALIFORNIA DEPARTMENT OF TRANSPORTATION**

# **Title VI Program Plan**

**S I M P L E J U S T I C E**

**MARCH 2002**

**Maria Contreras-Sweet,**  
Secretary of Business, Transportation and Housing Agency

**Jeff Morales,**  
Director

**Algerine McCray,**  
Deputy Director, Civil Rights

**Olivia Fonseca,**  
Assistant Deputy Director, Civil Rights

**Laura Schaufel,**  
Title VI Program

---

For individuals with sensory disabilities, this document is available in Braille, large print, on audiocassette or computer disk. To obtain a copy in one of these alternative formats, please call or write to the:

California Department of Transportation  
Civil Rights Title VI Program  
1823 14th Street, MS 79  
Sacramento, California 95814

(916) 324-0817 – Voice

(916) 324-2252 – TTY

(866) 810-6346 – Toll Free

**TITLE VI PROGRAM PLAN**

**Table of Contents**

Program Plan Approval Letter .....	1
Title VI and Related Statutes Nondiscrimination Statement .....	3
Introduction .....	5
Authorities .....	6
Definitions .....	6
Glossary of Terms.....	8
Part I	
I. Organization, Staffing and Responsibilities .....	9
Designation – Title VI Coordinator .....	11
Title VI Program Organization Chart .....	13
Title VI Coordinator .....	14
Title VI Liaison .....	15
Title VI Program Area Administrators .....	16
District Title VI Liaisons .....	17
Part II	
II. Administration – General.....	19
Complaints .....	19
Data Collection .....	19
Public Dissemination of Title VI Information .....	19
Part III	
III. Programs Impacted by Title VI .....	21
A. Introduction .....	21
1. Title VI Requirements .....	22
2. Interdisciplinary Approach .....	22
3. Title VI Guidelines.....	23

B. Monitoring and Compliance Reviews.....	23
C. Title VI Responsibilities .....	24
1. The Planning Process .....	24
a. Statewide Planning .....	26
b. Regional Planning .....	44
c. Programming and Project Selection .....	52
2. Project Development .....	55
a. Environmental .....	55
b. Right of Way .....	58
c. Construction .....	63
d. Research .....	73
3. Other Services .....	74
a. Local Assistance .....	74
b. Aeronautics .....	77
c. Mass Transportation .....	78
d. Rail Program .....	81
IV. Manuals and Directives.....	85
V. Discrimination Complaint Process .....	87
A. Introduction .....	87
B. Purpose .....	87
C. Roles and Responsibilities .....	87
D. Filing of Formal Complaint .....	87
1. Applicability .....	87
2. Eligibility .....	87
3. Time Limitation and Filing Options .....	88
4. Type of Complaints .....	88
5. Complaint Basis .....	88

E. Internal Complaint Processing .....	89
1. Initial Contact .....	89
2. The Complaint Review Process .....	89
F. Investigation .....	90
1. Investigation Plan .....	90
2. Conducting the Investigation .....	90
3. Investigation Reporting Process .....	91
G. Reporting Requirements to an External Agency .....	91
H. Records .....	91
I. Title VI and Related Statutes Complaint Process Flowchart .....	91
J. Authorities .....	92
Title VI and Related Statutes Complaint Form .....	95
VI. Annual Accomplishment Report Format .....	97
VII. Limited English Proficiency .....	103
Appendices .....	113
Nondiscrimination Agreement and State Assurances .....	113
Program Area Administrators List .....	127
Equal Opportunity Officer/Title VI Liaisons List .....	129
Statute Regulation/Policy Reference .....	131
Notice to Public .....	133
Regional Transportation Plan Guidelines Checklist .....	135
Transportation Programming Sequential Process .....	151
Map of California Metropolitan Planning Organizations .....	152
Section 5311 Application Checklist .....	153





**U.S. DEPARTMENT OF TRANSPORTATION**  
**FEDERAL HIGHWAY ADMINISTRATION**  
**CALIFORNIA DIVISION**  
980 Ninth Street, Suite 400  
Sacramento, CA. 95814-2724  
November 20, 2001

IN REPLY REFER TO  
HDA-CA  
File #: 902  
Document #: 37290

Mr. Jeff Morales, Director  
California Department of Transportation  
1120 N Street  
Sacramento, California 95814

Attention: Federal Resources Branch, Room 3500  
For Algerine McCray

Dear Mr. Morales:

**SUBJECT: CALIFORNIA DEPARTMENT OF TRANSPORTATION TITLE VI PROGRAM PLAN**

We are pleased to inform you that we are approving the California Department of Transportation's (Department's) Title VI Program Plan. Last year we sent you a letter asking that Part III of your Plan address data collection and analysis, measures taken based on this analysis and affirmative measures to ensure nondiscrimination. This was a large undertaking for an organization as large and complex as the Department. However, your office has marshaled its resources using an interdisciplinary approach to address this challenge.

We have witnessed sustained diligent efforts by Laura Schaufel, Title VI Coordinator, and her staff educating the Department's various staffs, learning how their programs affect program participants and beneficiaries, and assisting them in fashioning components of the Plan to address their program areas. Their commitment to nondiscrimination is outstanding.

We look forward to the Department's successful implementation of your Title VI Program Plan and our continued successful partnership to ensure nondiscrimination in your delivery of your programs and activities.

Sincerely,

For  
Michael G. Ritchie  
Division Administrator





**DEPARTMENT OF TRANSPORTATION**

CIVIL RIGHTS - MS 79  
1820 ALHAMBRA BOULEVARD  
P.O. BOX 942874  
Sacramento, CA 94274-0001  
(916) 227-9599



October 26, 2001

**TITLE VI RELATED STATUTES  
NONDISCRIMINATION STATEMENT**

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California, shall on the grounds of race, color, national origin, sex, disability or age be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.

A handwritten signature in cursive script that reads "Jeff Morales".

JEFF MORALES  
Director



### INTRODUCTION

The California Department of Transportation (Department) is a recipient of Federal financial assistance. All recipients are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964. Title VI of Civil Rights Act of 1964 forbids discrimination against anyone in the United States because of race, color, or national origin by any agency receiving Federal funds. The Federal-Aid Highway Act of 1973 added the requirement that there be no discrimination on the grounds of sex. Additionally, the Civil Rights Restoration Act of 1987 defined the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives Federal financial assistance.

Simply stated, the Department is to ensure that none of its activities or programs treats any part of the community any differently than another. The Department expects every manager, supervisor, employee, and subrecipient of Federal-aid funds administered by the Department to be aware of and apply the intent of Title VI of the Civil Rights Act of 1964 in performing assigned duties.

The Federal Highway Administration (FHWA) requires recipients of Federal-aid Highway funds to prepare a plan to clarify roles, responsibilities, and procedures established to ensure compliance with Title VI of the Civil Rights Act of 1964.

The Department’s Title VI Program Plan focuses on functional areas with significant public contact responsibilities and provides the policy direction necessary to ensure compliance with Title VI of the Civil Rights Act of 1964.

### AUTHORITIES

***Title VI of the 1964 Civil Rights Act*** provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (implementation through 23 CFR 200.9 and 49 CFR 21).

***Section 162(a) of the Federal-Aid Highway Act of 1973*** (Section 324, Title 23 U.S.C.) added the requirement that there be no discrimination on the grounds of sex.

***Section 504 of the Rehabilitation Act of 1973*** provides nondiscrimination under Federal grants and programs.

***The Age Discrimination Act of 1975*** (Section 6101-6107, Title 42 U.S.C.) prohibits discrimination in Federally Assisted Programs.

***The Civil Rights Restoration Act of 1987, P.L. 100-209***—provides clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. (Restores the broad, institution-wide scope and coverage of the non-discrimination statutes to include **all** programs and activities of federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not)

***Executive Order 12898*** (issued February 11, 1994) addresses Environmental Justice regarding minority and low-income populations.

***Executive Order 13166*** (issued August 16, 2000) improves access to services for persons with limited English proficiency.

(Refer to Appendix section for Nondiscrimination Agreement and State Assurances.)

### DEFINITIONS

[As used in Title 23 of the Code of Federal Regulations, Highways, Part 200.5]

**“Affirmative Action”** a good faith effort to eliminate past and present discrimination in all federally assisted programs, and to ensure future nondiscriminatory practices.

**“Beneficiary”** any person or group of persons (other than States) entitled to receive benefits directly or indirectly, from any federally assisted program, i.e., relocates, impacted citizens, communities, etc.

**“Citizen Participation”** an open process in which the rights of the community to be informed, to provide comments to the government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

**“Compliance”** a satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

**“Deficiency Status”** the interim period during which the recipient state has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance by the Secretary of Transportation.

**“Discrimination”** that act or action whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under title 23 U.S.C.

**“Facility”** includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities includes the construction.

**“Federal Assistance”** includes: Grants and loans of Federal funds; the grant or donation of Federal property and interests in property, the detail of Federal personnel, the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient and Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

**“Persons”** where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native.” Additional subcategories based on national origin or primary language spoken may be used where appropriate, on either a national or a regional basis.

**“Noncompliance”** a recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort implementing all of the Title VI requirements.

**“Program”** includes any highway, project, or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipients.

**“Program Area Officials”** are the officials in FHWA who are responsible for carrying out technical program responsibilities.

**“Recipient”** means any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient (subrecipient), for any program. Recipient includes any successor, assignee, or transferee thereof.

**“State Highway Agency”** that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term State would be considered equivalent to State highway agency if the context so implies.

**“Secretary”** the secretary of Transportation as set forth in 49 CFR 21.17(g)(3) or the Federal Highway Administrator to whom the Secretary has delegated authority in specific cases.

**“Title VI Program”** the system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal related statutes to the extent that they prohibit discrimination on the grounds of race, color, national origin, sex, disability or age in programs receiving Federal financial assistance.

## GLOSSARY OF TERMS

***Equitably*** describes the function of a transportation system in serving the transportation and/or mobility needs of “all persons.”

***Equally*** describes the function of a transportation system in servicing the transportation and/or mobility needs of “all persons,” without discrimination (i.e., disproportionately benefiting or harming one group over another – a violation of Title VI of the Civil Rights Act of 1964).

***Program Specialist*** is a person who works in one of the emphasis programs or key personnel who is knowledgeable in that discipline.

***Program Area Administrator*** is a person designated by their division to work on Title VI matters, is knowledgeable in their respective discipline, and is a liaison between the Title VI Program and the districts.

***District Title VI Liaison*** is a person designated by their district to work on Title VI matters and is knowledgeable in their discipline.

***Title VI Liaison*** is a person who works in the Title VI Program and supports the Title VI Coordinator in the Title VI endeavor.

***Civil Rights Specialist*** is a person who works in Civil Rights and is knowledgeable in their discipline. This person can also be the Title VI Liaison.

### I. ORGANIZATION, STAFFING AND RESPONSIBILITIES

The Title VI Coordinator is responsible for the overall Title VI program implementation. This Title VI Coordinator is appointed by the Deputy Director of Civil Rights who reports directly to the Director. Title VI Liaison staff, also located in headquarters, assist the Coordinator with program implementation.

The following programs have significant Title VI responsibility and have designated Title VI Program Area Administrators (refer to the appendix on the subject).

Civil Rights	Division of Mass Transportation
Division of Aeronautics	Division of New Technology & Research
Division of Construction	Division of Procurement and Contracts
Division of Design	Division of Project Management
Division of Engineering Services	Division of Rail
Division of Environmental Analysis	Division of Right of Way
Division of Local Assistance	Division of Traffic Operations
Division of Maintenance	Division of Transportation Planning

In addition, there are 12 District Offices who have designated District Title VI Liaisons. District Title VI Liaisons are located in district Equal Opportunity (EO) Offices. These individuals act as liaisons to the Program Area Administrators located in headquarters and the Title VI Program.

District EO Officers are located statewide (refer to the Appendices for a list of EO Officers and District Title VI Liaisons). The District Title VI Liaison and EO Officer support Title VI implementation in their district by providing guidance and technical assistance with the discrimination complaint process and Title VI Policy interpretation and application.

## **I. ORGANIZATION, STAFFING AND RESPONSIBILITIES**

---



**DEPARTMENT OF TRANSPORTATION**

DIRECTOR'S OFFICE  
1120 N STREET  
P.O. BOX 942873  
SACRAMENTO, CA 94274-0001  
PHONE (916) 654-5267  
FAX (916) 654-6608



March 16, 2000

Mr. Michael G Ritchie  
Division Administrator  
Region Nine  
California Division  
Federal Highway Administration  
980 Ninth Street, Suite 400  
Sacramento, CA 95814-2724

Dear Mr. Ritchie:

In complying with Title VI of the Civil Rights Act of 1964, and other federal mandates, I hereby designate Algerine McCray, Deputy Director, Civil Rights Program, to officially name the California Department of Transportation's Title VI Coordinator.

Sincerely,

original signed by  
José Medina

JOSÉ MEDINA

Director

A handwritten signature in cursive script that reads "José Medina".

cc: Director's Office Files  
Civil Rights Files  
Algerine McCray, Deputy Director  
Olivia Fonseca, Program Manager

## **I. ORGANIZATION, STAFFING AND RESPONSIBILITIES**

---

California Department of Transportation  
Civil Rights Title VI Program

Director's Office  
**Director**  
  
General Counsel

Civil Rights  
**Deputy Director - CEA IV**  
  
Assistant Deputy  
Director CEA II

**Title VI Program**  
  
**Title VI Coordinator**  
  
Title VI Liaison(s)

MISSION

Our mission is to provide leadership and guidance to ensure nondiscrimination in the Department of Transportation programs, activities and services, and to promote and engage the participation of all people regardless of race, color, national origin, sex, age, disability and socioeconomic status.

PRIMARY FUNCTIONS

- Leadership/Technical Assistance
- Training
- Guidelines
- Compliance Reviews
- Title VI Program Plan and Annual Update
- Data Collection Analysis and Monitoring
- Publications

### Title VI Coordinator

Title VI Coordinator is the Department expert on the Title VI Program and Plan and plays a lead and participatory role in the development and implementation of the FHWA Title VI Compliance Program statewide.

- The Title VI Coordinator provides guidance and technical assistance on Title VI matters and has overall program responsibility for preparing required reports regarding Title VI compliance and initiating monitoring activities including developing procedures and monitoring for:
  - promptly processing and resolving Title VI complaints;
  - the collection of statistical data (race, color, national origin, sex, age and disability) of participants in and beneficiaries of the Department's programs, activities and services;
  - the identification and elimination of discrimination when found to exist;
  - promptly resolving areas of deficiency;
  - pregrant and postgrant approval reviews for compliance with Title VI requirements.
- Conducting annual Title VI reviews of departmental program area activities and cities, counties, consultants, contractors, suppliers, universities, colleges, planning agencies and other subrecipients of Federal financial assistance.
- Ensuring that Title VI requirements are included in policy directives and that the procedures used have built-in safeguards to prevent discrimination.
- Coordinating the development and implementation of Title VI and related statutes Training Program.
- Providing FHWA an annual report of departmental Title VI accomplishments and upcoming goals including an annual update to the Title VI Program Plan that reflects organizational, policy and implementation changes.
- Assisting program personnel to correct Title VI problems or discriminatory practices or policies, and when conducting self-monitoring and review activities.
- Developing Title VI information for public dissemination, where appropriate, in languages other than English.
- Referring Title VI discrimination complaints to the Civil Rights, Office of Equal Opportunity, Discrimination Complaint Investigation Unit (DCIU), MS 79.

### Title VI Liaison

Title VI Liaison(s), Headquarters work at the direction of the Title VI Coordinator to assist and support the Department's Title VI Program's role and responsibilities and are experts on the Title VI Program, Plan, and Guidelines.

The headquarters Title VI Liaison responsibilities include:

- Advising the Title VI Coordinator of Title VI issues.
- Providing technical assistance to Title VI Program Area Administrators, District Title VI Liaisons and other program personnel.
- Referring Title VI discrimination complaints to the Civil Rights, Office of Equal Opportunity, DCIU, MS 79.
- Reviewing policy directives for Title VI compliance to ensure that procedures used have built-in safeguards to prevent discrimination.
- Conducting annual Title VI reviews of departmental program areas and cities, counties, consultants, contractors, suppliers, universities, colleges, planning agencies and other subrecipients of Federal financial assistance.
- Assisting program personnel to correct Title VI problems or discriminatory practices or policies.
- Developing Title VI training modules, and conducting training for trainers and workshops.
- Reviewing and analyzing statistical data provided by programs of participants in and beneficiaries of the Department's programs, activities and services.
- Developing Title VI information for public dissemination, where appropriate, in languages other than English.
- Participating in pregrant and postgrant approval reviews for compliance with Title VI requirements.

### Title VI Program Area Administrators

Title VI Program Area Administrators (PAA) understand the application of Title VI to their respective program areas and are responsible for ensuring Title VI compliance in their respective divisions through policy development, procedures, and monitoring.

These individuals work closely with the Title VI Coordinator and headquarter and District Title VI Liaisons and function as liaisons between the Title VI Program and the districts.

Title VI PAA responsibilities include:

- Advising Title VI Coordinator of Title VI issues.
- Ensuring Title VI requirements are included in policy directives, contracts and program manuals and that the procedures used have built-in safeguards to prevent discrimination.
- Ensuring the collection and analysis of statistical data to determine transportation investment benefits and burdens to the eligible population, including minority and low-income populations.
- Self-monitoring and corrective action within their respective division/district for Title VI compliance.
- Providing guidance and technical assistance to program staff to correct Title VI problems or discriminatory practices or policies.
- Working with District Title VI Liaisons to promote awareness of Title VI requirements, policies and processes.
- Assisting the Title VI Coordinator in coordinating and conducting compliance reviews.
- Providing the Title VI Coordinator with an annual report of Title VI accomplishments and upcoming goals including program update that reflects organizational, policy and implementation changes for inclusion in the annual Title VI Program Plan update.
- Referring Title VI discrimination complaints to the Department's Civil Rights, Office of Equal Opportunity, DCIU, MS 79.
- Developing Title VI information for public dissemination, where appropriate, in languages other than English.
- Participating in pregrant and postgrant approval reviews for compliance with Title VI requirements.

### District Title VI Liaisons

District Title VI Liaisons work closely with the Title VI Coordinator, Title VI Liaisons, Title VI PAAs and District Equal Opportunity (EO) Officers to implement the Department's Title VI Program Plan through programs, procedures and ongoing monitoring in the district. District Title VI Liaisons are located in each of the twelve district offices and are responsible for ensuring Title VI compliance in their respective districts.

The District Title VI Liaisons responsibilities include:

- Advising the Title VI Coordinator of Title VI issues.
- Promoting and heightening Title VI awareness.
- Providing technical assistance to headquarters, district and regional transportation planning agencies, cities and counties personnel.
- Assisting district officials with the review of local and regional transportation agency Public Participation Plans, Regional Transportation Plans, Overall Work Plans, Environmental Impact Reports, Transportation Concept Reports and other types of plans and grant applications in relationship to Title VI requirements.
- Assisting the Title VI Program with coordinating compliance reviews conducted in the districts including local regional transportation planning agencies.
- Self-monitoring and corrective action within their respective division/district for Title VI compliance.
- Ensuring documentation of Title VI activities.
- Assisting in the preparation of the annual Title VI Program Plan update as requested by the Title VI Coordinator.
- Referring Title VI complaints to the Civil Rights, Office of Equal Opportunity, DCIU, MS 79.
- Ensuring the collection of and analysis of statistical data to determine transportation investment benefits and burdens to the eligible population, including minority and low-income populations.
- Developing Title VI information for public dissemination, where appropriate, in languages other than English.
- Participating in pregrant and postgrant approval reviews for compliance with Title VI requirements.

## **I. ORGANIZATION, STAFFING AND RESPONSIBILITIES**

---



## II. ADMINISTRATION - GENERAL

### COMPLAINTS

If any individual believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination on the grounds of race, color, national origin, sex, age or disability, s/he may exercise their right to file a complaint with the Department of Transportation (see “Discrimination Complaint Procedure,” Part V).

### DATA COLLECTION

Statistical data on race, color, national origin, sex, age and disability of participants in and beneficiaries of the Department’s programs, (e.g. relocatees, affected populations, and participants) will be gathered and analyzed and maintained by the Department to determine the transportation investment benefits and burdens to the eligible population, including minority and low-income populations. Each of the Title VI special emphasis program areas will maintain data to be incorporated in the Title VI Annual Update Report. Data gathering procedures will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.

### PUBLIC DISSEMINATION OF TITLE VI INFORMATION

Recipients of Federal financial assistance are required to publish or advertise that the program is an equal opportunity program and/or indicate that Federal law prohibits discrimination. Refer to the appendices for a sample Notice to Public.

A Title VI brochure titled “Caltrans and You— Your Rights Under Title VI and Related Statutes” was developed to provide the public with information regarding Title VI and related statutes and their rights under the law. The brochure is going through a low-literacy revision. This brochure will also be translated into Spanish, Hmong, Cantonese, Cambodian, Korean, Armenian, Vietnamese, Russian, Japanese and Portuguese.

Once completed, this brochure will be offered for statewide distribution to the general public, subrecipients, and others parties or individuals participating in or otherwise benefiting from Federal-aid highway programs. The brochure will be made available in mediums other than the written word upon request and, the brochure will be periodically reviewed and revisions will be made as appropriate.

Development of a Civil Rights Title VI Program web page is in progress. The web page will contain pertinent information and publications regarding Title VI and related statutes and will be accessible to all Department of Transportation employees via the Intranet and to the public via the Internet.



### III. PROGRAMS IMPACTED BY TITLE VI

---

#### A. INTRODUCTION

The California Department of Transportation, Civil Rights Title VI Program is responsible for the effective execution of nondiscrimination laws and regulations relating to programs receiving Federal financial assistance. Moreover, 23 Code of Federal Regulations (CFR), 200.9 (11) and the Federal Highway Administration (FHWA) Guidance, Preventing Discrimination in the Federal-Aid Program: A Systematic Interdisciplinary Approach, Chapter III “Implementation,” requires recipients of Federal financial assistance to develop a Title VI Program Plan. The Plan describes how recipients of Federal financial assistance will develop and implement their Title VI Program.

#### **Acknowledgements**

The Civil Rights Title VI Program would like to acknowledge the dedication, expertise, commitment and integrity of the following people without whose assistance the Title VI Program Plan, Part III could not have been developed.

Leslie Snow .....	Division of Aeronautics
Mike Kissel .....	Division of Construction
Jean Robins .....	Division of Engineering Services
Henry Bass .....	Division of Environmental Analysis
Peter Bond .....	Division of Environmental Analysis
Eugene Shy .....	Division of Local Assistance
David Phillips .....	Division of Maintenance
Antonio Ortiz .....	Division of Mass Transportation
Lakeda Johnson .....	Division of Mass Transportation
Wes Lum .....	Division of New Technology and Research
Laura Quintana .....	Division of New Technology and Research
Mary Rodriguez .....	Division of New Technology and Research
Linda Baez .....	Division of Procurement and Contracts
Nigel Blampied .....	Division of Project Management
Bill Bronte .....	Division of Rail
Debbie Cunningham .....	Division of Right of Way
Vicki Cobb .....	Division of Transportation Planning
George Smith .....	Division of Transportation Planning
Michelle Gallagher .....	Division of Transportation Planning
Lance Yokota .....	Federal Highway Administration
Karen Bobo .....	Federal Highway Administration

### III. PROGRAMS IMPACTED BY TITLE VI

---

#### 1. TITLE VI REQUIREMENTS

Title VI of the 1964 Civil Rights Act and related statutes state that no persons in the U.S. shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, receiving Federal financial assistance. Pursuant to this mandate, recipients of Federal financial assistance must take affirmative steps to ensure that discrimination, as addressed by Title VI, does not occur in its organization. These activities fall into one or more of the areas listed below:

- Adoption of policies and procedures supportive of Title VI requirements.
- Ensuring adequate public involvement.
- Implementing controls and data collection mechanisms to monitor for any adverse treatment or impacts on any groups.
- Ensuring that contracting/procurement opportunities are awarded in a nondiscriminatory manner.
- Ensuring that subrecipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants comply with all Title VI requirements.
- Conducting Title VI compliance reviews.

On January 22, 2001, the U.S. Department of Transportation issued Policy Guidance to recipients on special language services to limited English proficient (LEP) beneficiaries. See 66 Federal Register 6733. Inasmuch as the responsibility to provide equitable services to LEP persons falls under Title VI of the Civil Rights Act of 1964, this responsibility will also be carried out through an interdisciplinary approach. The interdisciplinary concept is described in detail below.

#### 2. INTERDISCIPLINARY APPROACH

In implementing Title VI of the Civil Rights Act and related statutes, the Department has embraced and mirrored the guidance provided by the FHWA's Chapter 1, Preventing Discrimination in the Federal-Aid Program: A Systematic Interdisciplinary Approach.

49 CFR 21.5(b) (7)

An Interdisciplinary Team was established on July 18, 2000 with senior-level representatives from Division of Transportation Planning, Division of Project Management, Division of Environmental Analysis, Division of Design, Division of Right of Way, Office Engineer, Division of Engineering Services, Division of Construction, Division of Maintenance, Division of Traffic Operations, Division of Local Assistance, Division of New Technology and Research, Division of Procurement and Contracts and Legal. The Interdisciplinary Team focus is to:

### III. PROGRAMS IMPACTED BY TITLE VI

---

- Foster awareness of nondiscrimination requirements.
- Participate in the development and implementation of the Title VI Plan and Guidelines.
- Identify and prioritize areas of vulnerability and or need.
- Formulate and prioritize strategies to address areas of vulnerability.
- Develop a Title VI Work Plan.
- Establish Program roles and responsibilities.
- Act on the Title VI Program Plan.
- Continuously assess the Plan's effectiveness.

#### 3. TITLE VI GUIDELINES

49 CFR 21.5(b)(7) The Civil Rights Title VI Program has developed systematic Title VI Guidelines. The Guidelines emphasize the planning and project delivery processes of the State transportation system, and are in accordance with FHWA requirements. Particular attention is placed on five emphasis programs: Planning, Environmental, Right of Way, Construction, and Research. Specific guidance on Public Involvement, Native American, Title VI Assurances, Contract/Grant/Permit/Loan requirements, Notice to Public, Complaint Handling, Annual Report and Data collection is provided. The guidelines are in draft form and have been distributed to Division Chiefs, District Directors, select Metropolitan Planning Organizations (MPO), Federal Highway Administration and the Federal Transit Administration for review and comment. Once finalized, the guidelines will be distributed statewide within the Department, to MPOs, Regional Transportation Planning Agencies (RTPA) and local cities and counties to assist with the implementation of Title VI and related statutes.

#### B. MONITORING AND COMPLIANCE REVIEWS

23 CFR 200.9(5) The Civil Rights Title VI Program initiated a pilot compliance review project in May 2000. The pilot consisted of a compliance review of one MPO, one Department district and a Department functional program. The pilot project was completed in June 2001. Modifications to the compliance review instrument were made as a result of the pilot project. The compliance review process will identify existing processes and mechanisms used to prevent and eliminate discrimination and encourage public participation.

23 CFR 200.9(b)(7)  
49 CFR 21.9(b) The Civil Rights Title VI Program will work with a statistician to develop a methodology for selecting and reviewing the remaining regional transportation planning organizations, functional programs and cities and counties for Title VI compliance.

### III. PROGRAMS IMPACTED BY TITLE VI

---

Title VI compliance requires a corroborative effort between civil rights personnel and program personnel. The Civil Rights Title VI Program will provide continuous leadership and guidance to Program Area Administrators and District Title VI Liaisons who have been designated by their respective divisions/districts to function as liaison on Title VI matters. Program Area Administrators and District Title VI Liaisons are responsible for the ongoing monitoring of their division/district activities and services to ensure nondiscrimination.

#### C. TITLE VI RESPONSIBILITIES

The Department's operational framework is consistent with the FHWA Chapter 1 Guidance, which emphasizes attention on five major components of the State highway process including Planning, Environmental, Right of Way, Construction and Research.

The Department recognizes that Title VI, related statutes and environmental justice (EJ) nondiscrimination policy impacts all transportation decision making, however, only those programs having *significant* Title VI responsibilities are identified and detailed below. Statute regulation and executive order references are made throughout the document identifying the statute/policy associated to the activity (refer to the appendices for a statute/policy reference).

##### 1. THE PLANNING PROCESS

The Core Transportation Planning and Programming function is under the direction and coordination of the Deputy Director of Planning and Modal Programs. The functional program areas are: Transportation Planning (Statewide planning and regional coordination), Transportation System Information, Programming, and three modal programs: Aeronautics, Mass Transportation and Rail.

The planning and programming functions include overall direction, coordination, provision of resources and administration of various technical, training and program funding. Twelve districts throughout the State implement the Department's programs and are most active in the communities they serve.

The Department's planning and programming function relies on a systematic, interdisciplinary approach for avoiding discrimination and promoting equity in the decision-making process, especially in low-income and minority communities. This approach includes procedures and processes that utilize relevant data and public involvement in four major areas of activity: carrying out day-to-day assignments and long-term studies; contracting-out for services; passing funds through to transit properties, MPOs and other subrecipients; and awarding grants.

### III. PROGRAMS IMPACTED BY TITLE VI

---

#### **Implementing activities include:**

- Updating the California Transportation Plan (CTP), which includes analyzing the 2000 census and using Geographic Information System (GIS) technology.
  - Participating in planning and project certification reviews including those of regional Public Involvement Plans and Title VI compliance.
  - Monitoring Title VI reports to identify areas of improvement or deficiencies.
  - Preparing and carrying out public participation plans and programs.
  - Actively participating in regional transportation planning activities.
  - Providing technical assistance and training to California Tribal Governments.
  - Collecting, modeling and analyzing traveler information.
  - Reviewing and commenting on local, State and Federal plans and projects.
- 23 CFR 200.9(b) (13) • Inserting Title VI language in contracts and grants and monitoring for compliance.
- Utilizing the resources of the Department's Title VI Coordinator.
- 49 CFR 21.5(b) (7) • Participating as a Title VI Interdisciplinary Team Member to address and represent the issues surrounding the operational dynamics of the Division of Transportation Planning.
- Administering the Transportation Planning Academy to develop and maintain professional skills and attitudes, which includes orientation to Title VI, EJ and interdisciplinary departmental-wide issues.
- 23 CFR 200.9(b) (14) In addition, the Division of Transportation Planning coordinates with Federal, State and regional agencies, as well as with the Department's programming, system information and modal programs to ensure that the overall State and regional planning process complies with Title VI requirements, including EJ provisions. This effort is ongoing and requires close coordination with the Civil Rights Title VI Program. Among areas of coordination, is reporting on suspended work and payments to a contractor should discrimination be alleged.
- 49 CFR 21.5(b) (7) New initiatives include: incorporating EJ principles into the early stages of the transportation planning process; providing community planning grants for low-income and minority communities and creating a database of community based organizations (CBO) in the State.
- 23 CFR 200.9(b) (13) Following are detailed descriptions of transportation planning, and programming activities according to their principal area of focus (statewide

planning, regional planning and programming and project selection) and its approach to integrating Title VI.

#### **a. Statewide Planning**

The major areas of focus in California's statewide planning process include the CTP, advanced/system planning and project initiation, community based transportation planning, goods movement, transportation economics and policy analysis and research. Carrying out these responsibilities depends, in large part, on the availability of accurate travel information, modeling and use of GIS for presentation and analysis. The Transportation System Information Program provides this support.

##### **1) Office of State Planning (OSP)**

The OSP builds and maintains partnerships within the Department and with other government agencies, the business sector and the general public to ensure a safe and efficient transportation system. The OSP, in partnership with the Business, Transportation and Housing Agency, regional and metropolitan planning agencies prepare the Long-Range CTP required by Federal and State law.

In conjunction with the CTP, the OSP is finalizing the development of the California Transportation Investment System tool, a GIS application that displays planned and programmed multi-modal transportation projects statewide over the next 20 years.

The OSP provides operations plan guidelines for the Division of Transportation Planning Offices and coordinates quarterly reporting activities. The OSP also provides analysis and recommendations regarding current transportation issues and improvements.

The OSP resides within the Division of Transportation Planning and coordinates with other planning oriented divisions such as Aeronautics, Environmental, Mass Transportation, New Technology and Research and Rail to develop the State planning tools and State plan. The OSP also works closely with the 12 Department districts to achieve its mission of planning today for tomorrow's mobility and provides liaison to MPOs and non-urban RTPAs.

##### **Approach to Title VI**

49 CFR 21.5(b) (7)

The OSP worked with a multi-disciplinary task force to develop and adopt a Public Participation Program to support development of the CTP. The Public Participation Plan was circulated for review and comment prior to approval. The OSP coordinates with the Office of Community Planning, which is developing a Department-wide public participation effort.

The Public Participation Plan strategies were developed to maximize limited resources and will be guided by a set of outreach principles. While the strategies may be adjusted to respond to input or to improve



### III. PROGRAMS IMPACTED BY TITLE VI

---

participation, the principles will remain intact. These principles are:

- 49 CFR 21.5(b) (7)
- Provide early and continuing public involvement.
  - Clarify how public participation will influence plan development.
  - Partner with RTPAs.
  - Utilize innovative communication tools and media.
  - Develop a robust educational component.
  - Provide timely information.
  - Provide adequate public notice.
  - Ensure reasonable public access.
  - Go to where the people are.
  - Make use of smaller information group meetings and discussions.
  - Tailor public involvement to the issues.
  - Ensure and demonstrate explicit consideration of comments.
  - Provide periodic review and evaluation.

- 23 CFR 200.9(b) (14)
- Maintain a current database of stakeholder organizations and individuals.
  - Seek out and consider the needs of the nontraditional stakeholder.

49 CFR 21.5(b) (7)  
EO 12898  
23 CFR 200.9(b) (4)

The following sections will discuss specific efforts that are underway to ensure participation of low-income and minority communities and identify required data for analysis.

#### **Participation Strategy**

49 CFR 21.5(b) (7)  
23 CFR 200.9(b) (14)

The Public Participation Plan will span four distinct CTP development phases: 1) vision, goals and objectives, 2) scoping the plan, 3) issue identification and technical analyses, and 4) marketing, consensus and approval. Objectives, strategies and target groups were identified for each project phase. The OSP will work with CBOs to facilitate in reaching targeted groups. The OSP will monitor the effectiveness of the Public Participation Program strategies throughout the CTP development process and will alter the approach to enhance participation as needed. These activities will occur during State fiscal year 2001-2002.

The vision for California's future transportation system will drive the development of the CTP. This phase will require the most extensive and intensive public involvement effort. Because the CTP cannot address all the transportation issues that face California, the primary issues identified

### III. PROGRAMS IMPACTED BY TITLE VI

---

49 CFR 21.5(b) (7) during the visioning phase will be prioritized, selected and shaped into the following two phases: scoping and issue development. During these phases, the outreach efforts will be targeted to those communities that are directly or indirectly affected by the selected issues. The marketing phase will once again be extensive and seek consensus on the vision, goals, objectives, strategies and recommended actions outlined in the CTP.

49 CFR 21.5(b) (7) Major meetings will be noticed in mainstream and minority newspapers and invitations will be transmitted to representative groups and organizations in the various geographic locations. Key community leaders will be contacted to help ensure broad participation in these forums. However, OSP will use numerous smaller meetings to facilitate candid discussion of transportation issues within specific demographic groups. Documentation of these efforts will be maintained by the OSP.

49 CFR 21.9 (b)

49 CFR 21.9 (b) The OSP will make every effort to capture the name and contact information for all those who submit comments or have attended CTP-related meetings and conferences. After each development phase, the participants will be notified and thanked for their participation and be informed about how their comments were used to influence the process and the outcome.

#### **Data Collection and Analysis**

23 CFR 200.9(b) (4)  
23 CFR 200.9(b) (14)  
49 CFR 21.9(b)

The OSP has contracted with the University of California to deliver a Trends and Demographic Projection Study to provide data for the CTP. Included in the study is a GIS tool graphically depicting the distribution of Native American, ethnic minority and low-income groups based on Census 2000 data. The distribution of the demographic groups will be projected over the next 20 years, based on California's past demographic trends. This data will be used in conjunction with the California Transportation Investment System GIS tool described above, and other State and regional GIS tools for Title VI and EJ compliance efforts as well as for California's future mobility.

EO 12898

The trends portion of this effort will also describe the travel needs and behavior of ethnic, minority, low-income, senior and disabled groups. Travel behavior coupled with the demographic growth and distribution projections will assist planners to provide for future mobility needs of specific demographic groups.

23 CFR 200.9(b) (4)  
23 CFR 200.9(b) (14)

While OSP will analyze the results of the trend and demographic study, it will also analyze and monitor the effects of the following additional measures.

#### **Educational Component**

EO 13166

The Public Participation Plan includes an ongoing educational component to raise awareness of transportation planning issues and future mobility challenges. The objectives of this strategy are to increase awareness of complex transportation issues and the importance of participating in the planning and policy development process. The educational material and

### III. PROGRAMS IMPACTED BY TITLE VI

---

newsletters will be translated into California's primary languages and be available in alternative formats such as Braille upon request.

#### **Early and Continuing Involvement**

##### *- Customer Survey*

49 CFR 21.5(b) (7) The Department conducted a customer survey that included a series of targeted focus groups. The survey was administered under contract with a professional survey team. The contract was competitively bid and advertised in various minority-owned and targeted newspapers throughout California.

49 CFR 21.5(b) (7) Approximately forty focus groups were surveyed in spring 2001, including "general users," decision-makers and "influencers." The following groups were targeted for inclusion in these meetings.

African-American	Retired (65+)
Hispanic	Elderly (85+)
Asian-American	Persons with disabilities
Native American	Inner city
Low Income – urban and rural	Transit dependent
Youth	Bicyclists/pedestrians

49 CFR 21.5(b) (7)  
EO 13166  
49 CFR 21.9(b) Interpreters and facilitators from the various ethnic groups participated in the meetings, and the locations were fully accessible. The transportation concerns of the focus groups were documented and were used to help develop the subsequent random telephone survey questions and select issues for the CTP.

##### *- Transportation Futures Symposium and Forum*

49 CFR 21.5(b) (7) The OSP contracted with the University of Southern California's Extension Program to conduct a symposium and conference to explore the challenges facing California's future mobility. Issues include population growth and distribution and senior, low-income, minority and ethnic-group travel behavior and mobility needs. Invitations were extended to ethnic minority, senior, low-income and disabled community leaders, and "scholarships" were made available to those with limited funds to attend. The conference provided an opportunity for nontraditional participants to express the concerns of their community in the early policy development process.

49 CFR 21.5(b) (7)

49 CFR 21.5(b) (7)  
EO 13166 The event was noticed in minority papers, and interpreters were made available as needed. A non-threatening method of submitting questions and comments was used to help ensure participant input.

##### *- Ongoing Meetings and Workshops*

Working through Department districts and our regional partners, OSP will participate in existing forums to educate interested groups on the CTP.

49 CFR 21.5(b) (7) The OSP will work with CBOs and in small forums in an effort to gain

### III. PROGRAMS IMPACTED BY TITLE VI

---

access to communities that normally do not participate in the governmental policy development process.

#### *- Native American Participation*

49 CFR 21.5(b) (7) With the assistance of the Native American Branch of the Office of Regional and Interagency Planning, OSP will meet with California Tribal Government officials to gain their input into the CTP development process. The Native American Branch has established a positive working relationship with numerous California Tribal Governments and is familiar with the leaders within the tribal communities. As an early step, the Customer Survey will include two Native-American focus groups, one each in northern and southern California.

#### **Database**

49 CFR 21.9(b) The OSP maintains a contact database for the purpose of developing the CTP. The database currently includes all the California Tribal Governments and numerous organizations representing ethnic minority, low-income, senior and disabled communities. The database is being  
49 CFR 21.5(b) (7) modified to capture comments received during the four-phased development process. The database will be designed to answer who, what, when, where and how the comment was received, and when possible, the  
49 CFR 21.9(b) ethnicity of the person making the comment. The database will also identify changes made to the plan as a result of the comment made. This work is being coordinated with the Office of Community Planning, which is working on a Department-wide public participation effort.

#### **2) Office of Advanced System Planning (OASP)**

The OASP develops guidance and administers resources for the preparation of Transportation Concept Reports/Route Concept Reports (TCRs/RCRs), Transportation System Development Programs, District System Management Plans and Corridor Studies, which provide the basis for the Department's long range planning of the highway system and major transportation corridors. These documents together provide an analysis of existing conditions and possible future improvements along routes and transportation corridors.

The OASP also provides policy direction and resources to the districts in order to monitor, analyze, update and document conditions on highways and transportation corridors and identify a menu of improvement options including projects, strategies and actions.

#### **Approach to Title VI**

49 CFR 21.5(b) (7) The System Planning Guidance is being updated to require that RCRs  
49 CFR 21.9(b) reflect elements of public participation including discussion of EJ issues.  
EO 12898 Route concepts are the result of a coordinated planning process that includes input from regional agencies, cities, counties, transit providers and operators. These concepts are then brought forward for inclusion in the Regional Transportation Plans (RTPs). The RTPs are circulated for local

### III. PROGRAMS IMPACTED BY TITLE VI

---

and regional review and comment. Future projects are identified in the RTPs and in Department plans and are linked to the development of the State Transportation Improvement Program (STIP) and State Highway Operation and Protection Program (SHOPP) processes. Public and special interest groups have additional opportunity for involvement through the STIP development process. These include public information notices for adoption of the programming documents via meetings conducted by the California Transportation Commission (CTC).

49 CFR 21.5(b) (7) Additionally, Transportation Planning Program has initiated a major rebuilding of the Statewide System Planning Program. The effort has spawned a renewed interest in the system planning processes and increased an interest in the analysis and development of major transportation corridors. The OASP is actively querying the districts for their input and information to identify guidelines for public meetings and informational workshops, which are held to seek and convey information on proposed corridor development concepts. The draft guidelines will be distributed in the summer of 2002, comments and suggestions will be received and reviewed and the final guidelines will be distributed in late winter of 2002. Workshops will be held starting in Spring of 2003. Articles in newspapers and public information notices extend the invitation for public attendance and participation. Outreach activities include targeting presentations to community groups and special interest groups including minority and low-income communities for their input and participation into the ongoing planning process.

49 CFR 21.5(b) (7)  
EO 12898

The Interregional Transportation Strategic Plan (ITSP) identifies funding priorities for the 25 percent Interregional Improvement Program funds. The ITSP Plan consolidates and communicates elements of the State highway system planning and is directly related to the analysis of system planning products and other planning efforts. The Plan is circulated to all RTPAs and is available otherwise to those who request it. The ITSP external committee meeting is open for attendance to those interested.

The Intermodal Transportation Management System is a performance database analytical intermodal-planning tool. The system provides decision-makers cost-effective strategies for improving the intermodal transportation system and is shared with and includes input from regional and local planning agencies. Individuals otherwise interested in the tool are provided copies.

49 CFR 21.5(b) (7) The OASP is currently evaluating a course of direction for district system planning work activities and will be transmitting guidance documents for these processes to the districts. It is anticipated during fiscal year, 2001-2002, that the guidance documents will provide the tools necessary for the Department to monitor the activities with respect to Title VI and public participation.

23 CFR 200.9(b) (14)  
49 CFR 21.5(b) (7)

### III. PROGRAMS IMPACTED BY TITLE VI

---

The following recommendations will be made:

- |                                  |  |
|----------------------------------|--|
| EO 12898<br>49 CFR 21.5(b) (7)   | • System Planning products will include an EJ component to comply with Title VI public participation elements.   |
| EO 12898                         | • Revised System Planning guidance documents will contain specific EJ components.  |
| 23 CFR 200.9(b) (14)             | • Headquarters Planning OASP will monitor the district work programs for compliance with Title VI.   |
| 49 CFR 21.9(b)                   | • State, Regional and System Planning efforts will be coordinated to document early public participation on potential projects.  |
| 23 CFR 200.9(b) (14)<br>EO 12899 | • District Planning will certify that appropriate public participation and EJ issues were addressed in the development of its system planning products to ensure nondiscrimination per Title VI. |

#### 3) Projects Plan Coordination

The Office of Projects/Plan Coordination (OPPC) manages resources for the preparation of Project Initiation Documents (PIDs), which are required to perform any construction on the State highway system.

The OPPC, recently created from the Office of Advanced System Planning, manages PIDs workload by working with customers to identify needed PIDs by allocating resources to the districts for PIDs development, and by monitoring PIDs delivery.

#### Approach to Title VI

The purpose of the PIDs is to provide project scoping, schedule and estimated cost. This document is used for potential projects on the State highway system to be considered for inclusion in a future programming document such as the STIP. The basis of the elements that are contained in a PIDs were established and approved by the CTC.

The Division of Design develops specific guidelines for PIDs development and preparation. The guidelines include a section for system planning. System planning products such as TCRs, RTP and State Implementation Plans require public participation.

49 CFR 21.5(b) (7)

49 CFR 21.5(b) (7)

- *Affirmative measures/recommendations to ensure nondiscrimination*

EO 12898

- The OPPC is developing a performance measure for the system planning section of the PIDs guidelines to address EJ. The first draft of this effort will be distributed in November 2001. It will be used to determine whether projects address Environmental Justice. This will ensure that EJ issues are addressed before a project is programmed.

### III. PROGRAMS IMPACTED BY TITLE VI

---

- 49 CFR 21.9(b)
  - The OPPC recommends that every PIDs must include a component to indicate/certify compliance with Title VI public participation/EJ requirements.
  - The OPPC also coordinates with State, Regional and System Planning efforts to document early public participation on potential projects.
- 23 CFR 200.9(b) (14)  
EO 12898
  - The OPPC will verify that the system planning section of the PIDs describes Title VI/EJ issues presented in the system planning documents. Complete identification and resolution of Title VI/EJ issues should occur in the project approval/environmental document phase if projects are advanced for programming.
- 23 CFR 200.9(b) (14)
  - District planning will certify that appropriate public participation and EJ issues were addressed in the development of the PIDs to ensure nondiscrimination per Title VI.
  - Headquarters Planning OPPC will also monitor the district work programs for compliance with Title VI. DOTP's new Operations Plan for 2001/2002 contains a new column for both headquarters and the district's to use to indicate whether actions are being taken to meet Title VI compliance responsibilities. OPPC will review the achievements as reported each quarter to determine if Title VI requirements are met. Headquarters and the districts will begin using the new reporting document for the Operations Plan in the second quarter of 2001/2002 fiscal year. (The first quarter is devoted to wrapping up the previous fiscal year's achievements and reporting on those efforts.)

#### 4) Community Planning

- 49 CFR 21.5(b) (7)

The mission of the Office of Community Planning (OCP) is to promote and participate in community based planning that integrates land use, transportation, and community values. The OCP was established to address a statewide need for community-sensitive approaches to transportation decision making. A primary goal of OCP is to enhance the Department's leadership role in the development of community based transportation planning. This effort allows the development of transportation projects that enjoy public support and are easier to develop and deliver because of consistency with community values. The entire program's emphasis on public involvement and community based planning is consistent with the legislative intent of Title VI.

Key objectives of OCP include the following items:

- Affect and change existing Department processes and functions to reflect relevant community values.
- Develop partnerships to enhance community-based transportation planning approaches at local, regional and State levels.

### III. PROGRAMS IMPACTED BY TITLE VI

---

- Develop technical and program expertise in community based transportation planning and public participation techniques.
- Enhance the Department's leadership role in planning by integrating community-based transportation planning approaches in the Department's planning processes.
- Provide incentives that further support community based transportation planning at all levels.

This office is made up of three primary functions with a theme of linking land-use decisions with transportation planning. The three functions include:

#### **Intergovernmental Review/California Environmental Quality Act (IGR/CEQA)**

The IGR/CEQA process provides for the review and comment of plan, program and project documents prepared by other agencies (Federal, State, local and regional). Focus is on review of environmental documents as required by the CEQA and mandated by Governor's Executive Order D-24-83. The CEQA review is essential to the Department's stewardship of the State transportation system. It allows the Department to review, comment and recommend mitigation measures on local plans, programs and development proposals that have potential impacts on the State transportation system.

The IGR/CEQA is one of the Department's basic transportation planning activities that works to include transportation considerations in land use decisions.

#### **Community Based Transportation Planning (CBTP)**

The CBTP is a new departmental initiative with a focus on better integrating land-use activities and decisions with transportation planning. This will emphasize community values as inputs into the Department's mainstream planning activities. The CBTP function serves as a resource center for the Department on the subject of smart growth and livable communities.

The CBTP activities include a grant program to advance the Department's role in community planning. The grant program supports planning activities that encourage livable communities and that integrate transportation and land-use decision making. The OCP is also responsible for administering the Federal Transportation and Community and System Preservation Grant Program.

#### **Public Participation**

23 CFR 200.9(b)(14)  
EO 12898

The OCP's public participation function is an enhanced support service for all planning and project development processes within the Department. This activity fulfills the Federal Transportation Equity Act (TEA) for the 21<sup>st</sup>



### III. PROGRAMS IMPACTED BY TITLE VI

---

Century requirement for a statewide Public Participation Program. It will involve developing public participation resources and an evaluation process for use in various settings within the Department. The initial effort within this activity will be to inventory the Department's current public participation practices as a guide and toolbox for all programs. The OCP particularly coordinates with the Office of Statewide Planning, which is developing a Public Participation Plan for the next CTP. The OCP is committed to further study of how to incorporate CBOs and California Tribal Governments in the process of developing a comprehensive Department Public Participation Plan.

#### **Approach to Title VI**

The IGR/CEQA activity typically involves the review of development proposals in which the Department is either a responsible (permitting) or commenting agency but has no discretionary approval power over the project other than permit authority. The IGR/CEQA Program recommends mitigation measures that demonstrate a clear link to the impacts they are intended to address. Such mitigation must also be proportional to the impact created by the project, as mandated by CEQA. Mitigations are implemented by the "lead agency" typically at the city or county level. The responsibility for conforming or not conforming to Title VI requirements rests with local lead agencies.

49 CFR 21.5(b) (7)      The IGR/CEQA Program has been particularly active in assisting California Tribal Governments. Departmental IGR/CEQA staff assists Tribes in obtaining necessary permits for their projects and has sponsored, organized and implemented training for California Tribes in the IGR/CEQA development review process.

49 CFR 21.5(b) (7)      Headquarters staff have recently established a "Native American Academy," initiated to provide extended training in the IGR/CEQA process for tribal members and training for Department staff that interact with California Tribal Governments. Staff coordinates with the Native American Branch of the Office of Regional and Interagency Planning to participate in the academy.

#### **CBTP**

49 CFR 21.5(b) (7)  
EO 12898      The CBTP Grant Program addresses Title VI issues in the form of selection criteria that emphasize public involvement and affirmative measures to ensure nondiscrimination. Included among these are:

- The project demonstrates local support by way of specific resolutions/ letters of support from regional transportation planning agencies, city councils, planning commissions, county boards of supervisors and the general public.
- The project incorporates a collaborative planning process with broad participation from community stakeholders.

### III. PROGRAMS IMPACTED BY TITLE VI

---

- The project is located in an economically disadvantaged, blighted or infill area.

An information/application brochure was distributed which gave information about the objectives of the grant program, requirements for projects to be considered for a grant, Scope of Work information and the selection process.

Furthermore, contracting documents for awarded projects include language that commits grantees to a course of nondiscrimination.

Letters of Award were sent to 10 Grant applicants in May 2001.

- 23 CFR 200.9(b) (13) Scope of work documentation for selected CBTP Grant projects will also be required to include a public participation task component that will detail public participation activities undertaken throughout the duration of the project. Grantees will be encouraged to seek out the involvement of appropriate CBOs to encourage participation from nontraditional, minority and/or disadvantaged members of the impacted planning areas. Staff will monitor the results of public participation and the results of grant distribution. These activities will be implemented during State fiscal year 2001/2002.
- EO 12898  
23 CFR 200.9(b) (14)

In addition to the grant program, the OCP CBTP Program provides resources and information to Department districts so that they can participate and assist in the development of a more community-based approach to transportation decision making. For example, OCP staff promote context-sensitive community-based approaches to design issues on State highways that function as “Mainstreets.”

#### **Public Participation**

- EO 12898  
49 CFR 21.5(b) (7)  
23 CFR 200.9(b) (14)  
49 CFR 21.9(b)
- The OCP’s public participation activities are especially relevant to the Department’s overall compliance with the intent of Title VI, especially those provisions that address public involvement in decision making. For example, an OCP project to inventory all of the Department’s public participation activities, including those of the Office of Statewide Planning, will enable the development of a more coordinated and complete approach to public involvement in all aspects of the Department’s activities.

- 49 CFR 21.5(b) (7)
- Rather than responding strictly to State and Federal environmental processing requirements, the OCP will seek to develop a Public Participation Program that results in a more empowered and comprehensive public involvement effort, permeating the Department’s transportation project development process. An improved Public Participation Program will allow for the development of a Public Participation Resource Guide that identifies effective public participation techniques and tools, and it will provide for training opportunities in public participation for staff.

### III. PROGRAMS IMPACTED BY TITLE VI

---

49 CFR 21.5(b) (7)  
23 CFR 200.9(b) (14)      Another project of interest involves efforts to develop a database of CBOs and preparation and monitoring of guidelines for working effectively with California's CBO communities on transportation project development and implementation. The database will be used to:

- Distribute information.
- Identify CBO contractors/consultants for public participation and involvement activities (e.g., public meeting facilitators).
- Incorporate CBO guidelines into the Department's overall public participation effort.
- Identify CBO representatives for project specific and other advisory committees.

The OCP is working to include more Californians in the decision-making process and to help provide access to additional funding and technical assistance programs. Many unmet needs in disadvantaged and minority communities can be addressed through existing programs with better public communication and involvement.

EO 12898      Fortunately, California is also home to a wide range of community-based organizations that are key to providing information, services and assistance to California's diverse population. These CBOs are an important source of assistance to the Department to help ensure that the Department delivers services that meet the needs of their communities and to help ensure that local voices are heard in the transportation decision-making process. The Department could benefit greatly from better knowledge of and more and better partnership efforts with, California's CBO communities.

49 CFR 21.5(b) (7)      To maximize local community participation in the Department's funding programs, as well as the Department's decision-making processes, a CBO resource document, and more expertise in effectively enlisting CBO assistance to reach out to underserved populations will complement the Department's efforts.

#### 5) Goods Movement

The Office of Goods Movement (OGM) develops strategies, policies and methodologies that work to improve the freight transportation system in California. Consisting of the truck, rail, air and seaport industries the goods movement network provides vital connections between producers and consumers within the State, nationally and internationally.

The OGM conducts analyses of freight transportation system performance and future trends and recommends improvements through system planning, regional planning, intergovernmental review and other activities.

Aside from the State highway system, much of the freight transportation network is privately owned and operated. For this reason, the OGM engages in partnerships with the private sector and local and regional

### III. PROGRAMS IMPACTED BY TITLE VI

---

agencies to foster and maintain coordinated and efficient freight planning and implementation. The OGM also employs consultants.

#### **Approach to Title VI**

EO 12898

49 CFR 21.5(b) (7)  
23 CFR 200.9(b) (14)

The OGM administers and monitors Title VI/EJ compliance of its partners and contractors, especially when they convene public meetings. The OGM conducts data collection as part of its studies. Information on freight weight, volume (tone, container units, etc.) and value of goods being transported is collected. The information is analyzed to determine the impact of goods movement on the population—commuters, shippers, neighborhoods, and anyone else impacted by goods movement. The analysis provides an understanding of what impacts there are and consideration for mitigation. The planning process, which includes analyzing alternatives and monitoring their results, will include an EJ component. Contracts have strict provisions for compliance with Title VI.

#### **6) Transportation Economics**

The purpose of the Office of Transportation Economics (OTE) is to apply economic cost principles to transportation planning, programming, investment decision making and policy development. The mission of the OTE is to provide decision-makers with expert research, analysis and information to ensure productive and efficient use of public resources. Additionally, the OTE provides consulting services to other programs and the Department's district offices, as well as the Business, Transportation and Housing Agency, CTC and other Department clientele.

The OTE is a small unit consisting of professional research and planning staff. Each Department district may call on the OTE as a consultant on their local projects. These projects often are benefit/cost analyses with input data provided by the district staff. Results are shared as the project is developed.

#### **Approach to Title VI**

The OTE collects data related to OTE studies. Input data for the OTE's services are usually provided for in standardized Departmental contracts. These contracts have strict provisions for compliance with Title VI and OTE monitors and evaluates the contracts.

The results of OTE studies involve a broad impact on communities and may affect local establishments. The analyses prepared by OTE are passed on to contractors and communities to be used as specified in the contracts authorizing the studies. The results of OTE work are technical in nature and purposefully objective.

In benefit cost evaluation of transportation projects, OTE estimates traffic-related benefits and costs to users of facilities, including travel time savings, safety benefits and vehicle operating cost savings (fuel use, vehicle maintenance costs, etc.). Programming uses this information as one of the

### III. PROGRAMS IMPACTED BY TITLE VI

---

factors in project selection. Community and economic impact of projects is addressed in the environmental process and identified in the environmental impact studies and reports.

#### **7) Core Program Management and Support**

The mission of the Core Program Management and Support (CPMS) is to deliver excellent financial guidance, business management and administrative services to our customers.

The CPMS provides support to the Deputy Director of Planning and Modal Programs, Program Managers, and the Deputy District Division Chiefs to efficiently manage the six Planning Divisions (Aeronautics, Environmental, Mass Transportation, Rail, Transportation System Information and Transportation Planning) and to carry out the following functions:

- Conduct programmatic evaluations.
- Develop and monitor work breakdown structures for major activities.
- Develop and monitor program performance indicators.
- Ensure adequate resources and training opportunities for professional development.
- Assist in managing resource use.

#### **Approach to Title VI**

The CPMS does not make funding recommendations and/or decisions. In fiscal year 2001/2002, the CPMS will administer three small grant programs. The functional area for these grants will receive applications and make recommendations based on selection criteria with final approval by Business, Transportation and Housing Agency.

The CPMS functions primarily as a fund administrator. The responsibility for project selection decisions and contracting rest primarily with the Office Chiefs whom actually sponsor/implement the projects.

However, as part of its reporting responsibilities, the CPMS prepares management expenditure reports and receives quarterly progress reports on status of projects. Annually, CPMS submits a year-end report to the FHWA.

49 CFR 21.9(b)

#### **8) Office of Policy Analysis and Research**

The Office of Policy Analysis and Research (OPAR) conducts expert research and analyses in support of the Department's mission and strategic objectives. The OPAR provides information and assistance to policy makers and transportation communities in support of an inclusive and equitable transportation planning process, sustainable transportation investment and livable communities, transportation energy efficiency and strategic financing, and the regulatory basis of planning requirements.

### III. PROGRAMS IMPACTED BY TITLE VI

---

The OPAR consists of four primary functions: EJ and Title VI, Planning Regulations, Sustainable Transportation (energy efficiency, strategic finance, and land use) and special studies. Staff provides in-house analysis and manage consultant work. The OPAR works closely with other offices, programs and agencies and with academia and industry groups to develop and disseminate findings and studies.

The OPAR focuses on nontraditional areas of transportation planning. Activities include the following:

49 CFR 21.5(b) (7)  
EO 12898

#### **EJ/Title VI**

- Implement EJ in the planning program.
- Develop EJ policies, strategies, methodologies and equity analysis.
- Coordinate Title VI requirements for planning and modal programs.

#### **Federal and State Planning Regulations**

- Provide analysis of planning regulations and their impacts.
- Implement TEA-21 plan-to-project streamlining requirements (formerly MIS requirements).
- Implement TEA-21 ITS mainstreaming requirements.

#### **Sustainable Transportation**

- Provide analysis of transportation energy infrastructure, alternative fuel and vehicle markets and their implications on transportation system operations, financing and the environment.
- Develop energy policies and educational programs concerning Statewide planning efforts.
- Provide critical analysis of transportation finance (strategic and tactical) including factors impacting transportation revenue streams and evaluate alternative financing methods and value pricing options.
- Research and document the potential contribution of transportation to sustainable/livable communities.

#### **Special Studies**

- Work in cooperation with California universities and research centers and national transportation research institutes on issues of State and national significance.
- Maintain continuous improvement in the transportation decision-making process.

#### **Approach to Title VI**

The OPAR addresses issues of discrimination and equity through the collection and analysis of relevant data and the promotion of increased community involvement in the decision-making process. Specific activities

EO 12898

### III. PROGRAMS IMPACTED BY TITLE VI

---

oriented toward eliminating discrimination and promoting social, economic and environmental (SEE) equity are described next.

#### **Public Participation Plan**

49 CFR 21.5(b) (7) The OPAR emphasizes and facilitates inclusive participation of all stakeholders, especially under-represented and under served communities, in the transportation planning process. All appropriate programs and major projects will have regionally and demographically diverse advisory committees. For example, Statewide/regional community advisory council(s), including members from CBOs, will be convened to provide insights into implementing the EJ Grant Program and in developing EJ Guidelines. The results of which will benefit public participation plans throughout the planning division and the Department.

EO 12898

EO 12898 The OPAR assists the Planning and Modal Programs and districts and works with local and regional agencies in integrating and promoting EJ into transportation planning processes through an inclusive, cooperative and timely approach. The intent is twofold: a) identify and engage communities, particularly minority and low-income, early in the planning process to prevent or mitigate adverse health, SEE impacts of transportation plans, programs and activities on communities, b) to factor in equity in transportation investment decisions. During the creation of community advisory councils, CBOs are included to strengthen participation to achieve EJ. Specific activities in this program area are listed below:

49 CFR 21.5(b) (7)

49 CFR 21.5(b) (7)

#### ➤ **Director's Policy on EJ**

49 CFR 21.5(b) (7) A Director's Policy on EJ is being prepared to establish a consistent foundation and basis for integrating EJ into our plans, programs and activities throughout the Department.

#### ➤ **EJ Brochure and Bulletin**

49 CFR 21.5(b) (7) A brochure has been prepared to promote the Division of Transportation Planning's EJ Program. The EJ Bulletin will be a periodic publication of EJ activities within the Department that will highlight important EJ related concepts, requirements, case studies and programs for transportation planners as well as affected and interested parties throughout the State.

#### ➤ **EJ Study**

EO 12899 This study compiles and disseminates "best practices" used throughout the country and will be used as methodologies for EJ considerations in the transportation planning process. Results from the best practices analyses will contribute to a knowledge base within Division of Transportation Planning and Transportation Communities concerning EJ issues and requirements.

23 CFR 200.9(b) (13)

#### ➤ **EJ Grant Program**

This competitive statewide grant program provides broad and equitable

### III. PROGRAMS IMPACTED BY TITLE VI

---

EO 12899  
23 CFR 200.9(b) (13) funding assistance to low-income and minority communities to plan and implement transportation projects of local significance. The grant program attempts to demonstrate the benefit of inclusive planning process and exemplify transportation investments that would improve mobility, access, equity and economic vitality in under-served communities. Eligible activities include identifying diverse populations, interpretive materials and services, approaches to enhancing interagency cooperation, plans for the elderly and disabled and private-sector partnerships.

➤ **Community Advisory Council**  
49 CFR 21.5(b) (7) A Statewide/regional community advisory council(s) will be formed with CBOs, local and regional planning agencies, private sector entities, non-profit organizations, research institutions and other appropriate stakeholders to provide input into developing the EJ Program, particularly the Grant Program.

➤ **Federal and State Regulations on EJ**  
This element provides for continual evaluation of Federal and State regulations affecting the implementation of EJ.

*- Title VI of the Civil Rights Act of 1964*

In cooperation with Federal, State and regional agencies and working with planning programs and districts, this effort ensures that the overall State and regional planning process complies with Title VI requirements including EJ provisions, and helps prepare the Department for reviews and certification processes. This effort is ongoing and requires close coordination with the Department's Civil Rights Title VI Program.

In addition, contracting documents (for consulting services, university research and the future grant program) include language that commits funding recipients to a course of nondiscrimination and Title VI compliance.

#### 9) Transportation System Information

The mission of the Transportation System Information Program is to collect, maintain and analyze information reflecting the characteristics of the State's public roads system and act as the primary provider of non-bias information related to the State transportation system's characteristics, operation and performance. (Non-bias information is derived from surveys of people or data chosen on a random basis; for example, the 123<sup>rd</sup> name on a telephone list or a group of roadway segment types and then at each "nth" record thereafter, that is, at statistically determined recurring intervals. Any personal data acquired from a population survey is determined at the end of the interview and is secondary to the purposes of the survey.) The program is a resource for Federal, State, regional and local agencies, academia and the private sector who use the program's information to make their own planning and investment decisions.



### III. PROGRAMS IMPACTED BY TITLE VI

---

The Department and its partners access transportation information from a linked database system, make intelligent transportation decisions using GIS technology and use State-of-the-practice modeling and information systems to support the Department's planning and project decision-making needs.

The Transportation System Information Program (TSIP) has a professional staff who collect, maintain and analyze information reflecting the characteristics of the State's public roads system and act as the primary providers of information related to the State transportation system's characteristics, operation and performance. These efforts are accomplished through the following offices and functions:

- Highway System Engineering: Manages highway system Federal and State designations and descriptions including functional classification and National Highway System. Manages the development of recommendations leading to legislative route adoptions, traversable highways, route relocations and relinquishments of superseded highways and related legislation. Provides maps of all functionally classified roads in California including urban and rural boundaries and certifies mileage data for funding purposes on county maintained roads.
  - GIS: Manages the implementation and deployment of the Statewide GIS.
  - Performance Measures and Data Analysis: Develops and implements transportation system performance measure publications for use by transportation decision makers and transportation customers, conducts transportation system trends analysis to produce reports and publications and develops and manages access to integrated transportation system information.
  - Travel Forecasting and Analysis: Maintains and operates travel demand and air quality impact models, provides technical and analytical services related to data collection activities and the Census Transportation Planning Package (CTPP), produces annual reports on Statewide vehicle miles traveled, vehicle stock and fuel forecast reports annually, and certifies the maintained public road mileage in the Highway Performance Monitoring System (HPMS).
- *In partnership with others, the TSIP:*
- Maintains a clear, open and equitable process with an interdisciplinary approach to decision making while accommodating a wide diversity of perspectives.
  - Provides information (analytical, statistical, social, environmental) to the decision making process.
  - Complies with Federal and State laws, regulations and mandates.

### III. PROGRAMS IMPACTED BY TITLE VI

---

#### **Approach to Title VI**

Overall, the public forums for information and recommendations managed by TSIP occur either locally in a district office or local agency or within the structure of the CTC. Public notices and employment opportunities contain language that complies with Title VI requirements. Consultant contracts contain Title VI language as supplied by the Division of Procurement and Contracts in Administrative Services.

The TSIP continuously expands the contacts in TSIP publication mailing lists to include additional customers including Native American's, California Tribal Governments and organizations that receive federal funds. Customers are periodically surveyed to assess information needs and improve quality.

23 CFR 200.9(b) (14) The TSIP directly collects non-bias data and monitors contractors that collect transportation data. This includes reviewing reports, meeting directly with the contractors or conducting field investigations. The data collection standards used in the collection of such data follow the general statistical collection methods.

The HPMS data is collected on randomly selected samples of roadway. A randomly selected segment is chosen by picking a point in the HPMS database to begin with and then choosing the "nth" record (recurring interval) after that point in order to select adequate samples. This same statistical method is used to select the 16,000 households to be contacted in the Statewide Travel Survey being conducted by a consultant hired by TSIP.

Each TSIP contract contains Title VI language to transfer responsibility for Title VI compliance.

#### **b. Regional Planning**

Works cooperatively with the Department's twelve district offices. The Office of Regional and Interagency Planning (ORIP) guides, directs and maintains California's regional transportation planning process as follows:

- Monitor the regional transportation planning process, coordinate the administration and funding of this process and act as liaison and advocate for California's regional transportation planning program.
- Be responsible for the consistent and appropriate evolution of the regional planning process by reviewing and suggesting potential State and Federal legislation relating specifically to the regional transportation planning process.
- Respond to expanding regional planning issues including working with California's Tribal Governments, analyzing impacts of new State and Federal legislation and maximizing the positive results of technological advances in planning and communications.

### III. PROGRAMS IMPACTED BY TITLE VI

---

49 CFR 21.5(b) (7) The ORIP annually prepares the Overall Work Program (OWP) Guidance to inform all RTPAs and MPOs of the updated Federal and State Planning Emphasis Areas and Federal and State fund availability. The ORIP is also responsible for administering the allocation of State and Federal transportation planning funds (formula and discretionary) to assure planning activities are allocated as identified in the OWPs. Title VI requirements are noted in the Guidance document.

23 CFR 200.9(b) (14) The ORIP works cooperatively with the CTC to develop the RTP Guidelines. A review and evaluation for consistency with the Guidelines is completed for each RTP and a subsequent RTP Evaluation Report is produced for the CTC.

49 CFR 21.5(b)

The ORIP contains three branches: Regional Support Branch, Plan and Grants Liaison Branch and Native American Liaison Branch (NALB). The first two branches administer grants and the metropolitan and regional planning process. The NALB provides assistance to Native Americans and California Tribal Governments, as well as to the Department.

#### **Metropolitan and Regional Planning**

23 CFR 450

The requirements for Metropolitan Planning are set forth in 23 CFR 450. The pertinent Regulations with respect to Title VI and Public Participation appear in 23 CFR 450.316 Metropolitan Transportation Planning: responsibilities, cooperation and coordination, 23 CFR 450.312 Metropolitan Transportation Planning Process: Elements, 23 CFR 450.322 Metropolitan Planning Process: Transportation Plan and Metropolitan Planning Process.

The basic unit of transportation planning in California is the RTP as required under State law (Section 65080 of the Government Code) and Federal statutes (Title 23, Section 134). The RTPs are the basis for the Federal Transportation Improvement Program (FTIP). The Development of the FTIP and the Federal Statewide Transportation Improvement Program (FSTIP) are a function of the Department's Transportation Programming Program. The FHWA and Federal Transit Administration (FTA) jointly completed review of the Programming Program's FSTIP on October 6, 2000.

Each RTP is a long-range plan directed at the achievement of a coordinated and balanced regional transportation system, including mass transportation, highway, railroad, maritime and aviation facilities. The plan is action-oriented and pragmatic, considering both the short and long-term future, and is designed to present clear, concise policy guidance to local and State officials. Additionally, the RTP is required to consider the factors specified in Section 134 of Title 23 of the U.S. Code to enable a combined State/Federal planning process.

### III. PROGRAMS IMPACTED BY TITLE VI

---

Annually each MPO and RTPA prepares its OWP. The OWP is the regional transportation agency's program of transportation activities for that fiscal year, which are sourced by Federal and State programs.

#### **NALB**

49 CFR 21.5(b) (7)

The NALB provides assistance to Native Americans and California Tribal Governments as well as the Department. The Department recognizes the importance of, and the ORIP encourages active participation between the Department and California Tribes to strengthen government-to-government relationships in transportation planning activities.

The NALB acts as staff to the Native American Advisory Committee. This committee is established to improve government-to-government relationships between the Department and Indian Tribes of California. The committee advises the Department Director about matters of interest or concern to the Tribes and their constituents. The NALB provides assistance to the Department to encourage and enhance public participation from Native American communities.

#### **Approach to Title VI**

##### **Metropolitan and Regional Planning**

The MPOs, who are the major recipients of Federal planning funds, are required to comply with Title VI implementation procedures and certification including data collection and reporting requirements.

As noted above, all of the State's RTPA's including MPOs must prepare an RTP to address transportation issues and assist local and State decision-makers in shaping California's transportation infrastructure. The MPOs must complete plans every three years and rural RTPAs every four years. Plans updated to meet the requirements of the RTP Guidelines are due September annually.

The CTC is charged with the development of the RTP Guidelines. The purpose of the CTC Guidelines, dated December 1999 is to:

- Promote an integrated, Statewide, multimodal, regional transportation planning process.
- Set forth a uniform transportation-planning framework throughout California.
- Promote a continuous, comprehensive, and cooperative transportation planning process that facilitates decision-making.
- Facilitate the rapid and efficient development and implementation of projects while maintaining California's commitment to public health and environmental quality.

### III. PROGRAMS IMPACTED BY TITLE VI

---

- Promote a planning process that considers the views of all stakeholders in the decision-making process.

The RTP Guidelines reiterate the requirement for RTPA/MPOs to have a transportation process inclusive of a public involvement program to provide an opportunity for private and public operators of transit and freight, tribal governments, communities, the general public and other interested/affected parties to participate early in the development of the RTP.

Performance measurements are also to be defined as part of the RTP. These measures are to be used to evaluate and select plan alternatives. The following from the “California Transportation Plan, Performance Measures Report, August 1998” may be addressed as indicators of performance:

- Mobility/Accessibility, Sustainability, Safety and Security, Reliability, Economic Well Being, Equity, Cost Effectiveness, Environmental Quality, Customer Satisfaction.

23 CFR 200.9(b) (14) To assure the adequacy and consistency of the RTPs, the CTC Guidelines include an evaluation tool “The Regional Planning Checklist.” This tool is to be used by the Department districts and headquarters staff in reviewing the RTPs (refer to the appendix on the subject). At the request of the CTC, the ORIP prepares the RTP Evaluation Report for the California Legislature.

49 CFR 21.9(b) Additionally, planning certification forms are signed annually by the authorized MPO executive and the Department’s District Director. This self-certification is included in the annual OWP and provided to FHWA and FTA as part of the OWP approval process. The FHWA and FTA jointly complete a certification review of the planning processes including Title VI every three years in designated transportation management areas pursuant to 23 CFR 450.334. At this time, FHWA, FTA and the Department conduct certification reviews of MPOs, as subrecipients, to ensure that proactive approaches for community involvement, including low-income and minority groups, have been considered in the programs and plans.

23 CFR 200.9(b) (14) The following MPOs are subrecipients for planning funds :

- Butte County Association of Governments
- Council of Fresno County Governments
- Kern Council of Governments
- Merced County Association of Governments
- Metropolitan Transportation Commission
- Association of Monterey Bay Area Governments
- Sacramento Area Council of Governments
- San Diego Association of Governments

### III. PROGRAMS IMPACTED BY TITLE VI

---

- San Joaquin Council of Governments
- San Luis Obispo Council of Governments
- Santa Barbara County Association of Governments
- Shasta County Regional Transportation Planning Agency
- Southern California Association of Governments
- Stanislaus Council of Governments
- Tahoe Metropolitan Planning Organization
- Tulare County Association of Governments

As previously noted, FHWA and FTA conduct triennial certification reviews. The certification reviews are the second component of the annual FHWA/FTA Intermodal Planning Group meetings, which considers the OWP prior to its approval. Per agreement between the Division of Transportation Planning, Civil Rights Title VI Program and the FHWA planning, the Department will review and certify four MPOs annually. The Department's Civil Rights Title VI Coordinator leads the certification reviews.

49 CFR 21.9(b)  
23 CFR 200.9(b) (14)

23 CFR 200.9(b) (14) The Department's Civil Rights Title VI Program, Certification Review is designed to examine the planning process including the Public Participation Plan of each MPO. This is done by specific inquiry as to what methods the MPO has adopted as public involvement procedures. The compliance review instrument covers the planning process – strategies and goals for Title VI compliance; service equity - including data collection methods and analysis; public involvement plans and procedures - including coordination with California Tribal Governments and identification of SEE effects inclusive of environmental equity considerations. The review also covers the Federal subrecipient's administrative procedures with respect to Title VI compliance, including staff, board and composition, complaint procedures, and consultant contracts and administration.

Consistent with information contained in FHWA's Preventing Discrimination in the Federal Aid Program – A Systematic Interdisciplinary Approach, Federal Aid Highway Programs Chapter One, the MPO responses to certification questionnaire and interview are to be supported by substantive documentation. This documentation would typically be the RTP, which requires completion of the Regional Planning Checklist (refer to the appendix on the subject), the Public Involvement Program and such items as forms, surveys, statistical abstracts and data collection methodologies. The Regional Planning Checklist requires the MPO to consider, analyze and reflect the social and environmental effects including housing, employment, community development, land use, central city development goals, air pollution, water pollution, solid and hazardous waste generation, noise pollution, income, traffic forecasts, racial, and other population factors.

### III. PROGRAMS IMPACTED BY TITLE VI

---

The following applies with respect to non-urbanized RTPAs receiving Federal planning funds. In accordance with FHWA "Notice N 4720.6," the Civil Rights Restoration Act of 1987 amended each of the affected statutes by adding a section defining the word "program" to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives Federal financial assistance.

If a unit of a State or local government is extended Federal aid and distributes such aid to another governmental entity, all of the operations of the entity which distributes the funds and all of the operations of the department or agency to which the funds are distributed are covered. Corporations, partnerships or other private organizations or sole proprietorships are covered in their entirety if such an entity receives Federal financial assistance which is extended to it as a whole or if it is principally engaged in certain types of activities.

In accordance, all Federal subrecipients, as cited above, must sign a Certification and Assurances form, certifying that they have met requirements set forth under Title VI. Of these entities, additional non-metropolitan RTPAs will undergo certification review by the Civil Rights Title VI Program – Title VI Coordinator, (the number of RTPAs to be determined by Civil Rights Title VI Program).

#### **ORIP Administered Grants**

In 1997, the Department entered the Federal Consolidated Pilot Grant (CPG) project. As noted above, the ORIP administers Federal pass through planning funds. The majority of these funds are formula allocations to the MPOs: FHWA-metropolitan planning and FTA Section 5303 funds fall in this category and are included in the CPG. Discretionary funds are also included in the CPG; these are FHWA State Planning and Research - Partnership Planning and FTA Section 5313(b). These funds are competitively available to both MPOs and RTPAs. In addition to the above noted requirements, all MPOs receiving Federal funds and all regional transportation planning agencies (non-urbanized areas) receiving Section 5313(b) funds are requested by the ORIP to complete Title VI and EEO reports pursuant to Circular 4704.1 and 4702.1 by September 30 on a triennial basis. The reporting requirements are either general or program specific. MPOs with a population of 200,000 must comply with program specific requirements. These requirements are listed below. The ORIP reviews the submittals and provides FTA with a summary report.

49 CFR 21.9(b)

#### **General Requirements**

1. A list of active lawsuits or complaints alleging discrimination on the basis of race, color or national origin with respect to service or other transit benefits.
2. A description of all pending applications for financial assistance and all financial assistance currently provided by other Federal agencies.

### III. PROGRAMS IMPACTED BY TITLE VI

---

3. A summary of all civil rights compliance review activities conducted in the last three years.
4. A signed FTA Civil Rights Assurance.
5. A signed standard DOT Title VI Assurance.

#### **Program Specific Requirements**

1. **Assessment of Planning Efforts:** Provide a written description of continuing planning efforts which are responsive to the requirements of Title VI to assure that transit planning and programming are nondiscriminatory.
2. **Monitoring Title VI Activities:** Describe efforts to:
  - a. Identify minority communities that would be affected by proposed service changes under consideration by local transit providers.
  - b. Provide technical assistance to local transportation providers in updating and developing Title VI information.
3. **Information Dissemination:** Provide a description of the methods used to inform minority communities of planning efforts relating to transit service and improvements.
4. **Minority Participation in the Decision-Making Process:** Describe how minority groups or persons are afforded an opportunity to participate in the local decision-making process.
5. **Minority Representation on Decision-Making Bodies:** Provide a racial breakdown for transit related, non-elected boards, advisory councils or committees, and a description of efforts made to encourage minority participation on such boards or committees.

The Division of Transportation Planning is expanding and enhancing its grant administration activities to ensure that an adequate outreach to a broader spectrum of potentially eligible applicants is accomplished. Both the Public Involvement Plan procedures and the Disadvantaged Business Enterprise (DBE) Plan of applicants must be included in the proposals and will be considered as part of the application approval process.

The Division of Transportation Planning has implemented the following:

#### **Regional Planning**

- |                    |  |
|--------------------|--|
| 49 CFR 21.5(b) (7) | <ul style="list-style-type: none"><li>• Department districts and MPOs are provided a Title VI Technical Assistance handout prior to IPG meetings.</li></ul>  |
| 49 CFR 21.9(b)     | <ul style="list-style-type: none"><li>• Department districts are surveyed annually for their Title VI accomplishments and upcoming goals for inclusion in the Civil Rights annual Title VI Accomplishment Report.</li><li>• The Division of Transportation Planning Title VI Program Area Administrator coordinates with the Civil Rights Title VI Program</li></ul> |



### III. PROGRAMS IMPACTED BY TITLE VI

---

regarding future MPO and RTPA Certification reviews and technical assistance needs for districts and transportation planning agencies.

- Review of MPO/RTPAs Overall Work Program's Master Fund Transfer Agreements for Title VI language requirements.

#### **Grants**

- 49 CFR 21.9(b) • Timely completion and reporting of FTA Triennial Title VI requirements.
- Provide Grant personnel with Title VI Training.
- 23 CFR 200.9(b) (13) • Coordinate efforts with the Division of Transportation Planning Offices to compile a unified Transportation Planning Program Grants package designed for maximum outreach for contracting opportunities.

#### **NALB**

The NALB collects and provides data to interested parties including MPOs and RTPAs. The information includes a current listing of Federally recognized Tribes - both in hard copy and via the Native American Website - and maps showing all the SHOPP and STIP projects on or near Tribal lands. Expansion of data gathering activities related to Tribes from the 2000 Census will be pursued.

- 23 CFR 200.9(b) (14) The NALB has implemented the following tools to monitor improvement in government-to-government relations.
- Use of the Regional Transportation Planning Guidelines Checklist. The checklist includes requirements for a Public Involvement Plan that meets the requirements of Title 23, CFR Sec. 450.316(b) (1), as noted, and a requirement for citizen involvement in the early stages of the RTPs development including Tribal concerns in the plan development.

The following language is now incorporated in the required items of the Guidelines: "B. Public Involvement: Where there are Native Americans and/or California Tribal Governments within the RTP boundaries, the Tribal concerns have been addressed and the Plan was developed in cooperation with the Tribal Government(s) and the Secretary of the Interior (Bureau of Indian Affairs [BIA] Title 23, CFR Sec. 134)."

- The NALB liaisons conduct outreach and facilitate matters concerning transportation/land-use issues.
- Native American Advisory Committee is a forum used to identify and recommend resolution to Native American transportation issues and concerns. Ongoing identification and recommendations for resolution of Native American transportation issues and concerns through the Native American Advisory Committee.

### III. PROGRAMS IMPACTED BY TITLE VI

---

- CTC is provided outreach assistance with California Tribal Governments.
- CTC is provided assistance in addressing unmet (projects not included on BIA projects listing) transportation projects for Tribes.

49 CFR 21.5(b) (7)

Affirmative measures under development include conducting meetings at regular intervals of the Transportation Planning Program. The Title VI Team will evaluate the current status of the Title VI Plan and accomplishments.

Additional future tools include:

- Review of public participation processes and/or plans.
- Develop and disseminate procedure to improve the involvement of Tribes in the planning process.
- Provide the districts, MPOs and other RTPAs with aid in eliminating discrimination through facilitation, arbitration or training.

#### **c. Programming and Project Selection**

In California, the State and Federal requirements for transportation programming have been integrated into a sequential process (refer to the appendix on the subject). This integrated process is necessary to maximize State and regional resources available for planning and programming and to efficiently and effectively carry out the State and Federal requirements for transportation programming.

**Key players in the programming process include:**

- **RTPAs**

State Statute, Government Code Section 29532, designates 43 RTPAs. These RTPAs are required to develop a Regional Transportation Plan (Long-Range Plan) and Regional Transportation Improvement Program (RTIP) under State law.

- **The Office of STIP**

The Office of STIP is responsible for the management of the STIP pursuant to State statute. The activities of the Office require consultation with the districts, program advisors from other headquarters divisions and the RTPAs.

- **The Office of State Highway Operation and Protection Program (SHOPP)**

The Office of SHOPP is responsible for the management and update of the SHOPP pursuant to State statute. The Office coordinates with the Department's executive management and SHOPP Program Advisors to develop and update, biennially, the 10-Year SHOPP Plan.

- **MPOs**

There are 16 MPOs in California as designated by Federal statute, 23 U.S. Code, Section 135(b)(1). Pursuant to 23 CFR, Section 450.214, these organizations are responsible for developing and submitting an RTP to the U.S. Department of Transportation and a FTIP for the Governor's approval. State statute, Government Code Section 29532, applies (refer to the appendix on the subject).

- **Office of Federal Programs (OFP)**

The OFP is responsible for providing guidance to the MPOs in the development of their FTIPs. The OFP reviews and approves the FTIPs for the Governor of this State and includes them in California's FSTIP pursuant to Federal statute.

The documents that are generally needed to complete the programming process are listed here:

- **State Long Range Plan**

The State Long Range Plan is currently a policy element that describes the State's transportation policies and system performance objectives. It is a broad document that is reviewed by the Legislature, the California Transportation Commission, the MPOs and the non-urban RTPAs before being adopted by the Governor.

- **10-Year SHOPP Plan**

The 10-Year SHOPP plan is required by State statute. Consultation with local governments and opportunity for public comment occur during the development and adoption of this document. As required by the California Streets and Highways Code, Section 164.6, the 10-Year SHOPP Plan is submitted to the CTC for review in an open forum then submitted to the Legislature and Governor by May 1 of every even-numbered year for review and comment.

- **RTPs**

Consultation with local governments and opportunity for public comment also occur during the development and adoption of the RTPs. The RTPs are required to be submitted to the CTC and the Department every three years by September 1

- . State statute, Government Code Section 65080 requires the RTPAs to hold a public hearing prior to their adoption of the RTP.

Also, MPOs are required by Federal statute, 23 CFR, Section 450.322 to develop an RTP. Section 450.322(c) requires the MPO to develop the plan so that there is early opportunity for the public and representatives from transportation agencies to provide input. For those MPOs that are also RTPAs, their RTPs basically satisfy both State and Federal requirements when it comes to long-range planning.

- **Interregional Transportation Strategic Plan (ITSP)**

The ITSP is developed by the Department and is similar to the regional agency's RTP. It represents the Department's ongoing long-range and short-range planning for the State highway system, interregional road system and intercity rail system.

- **SHOPP**

The basis for project selection in the SHOPP is a result of the 10-Year SHOPP Plan. As required by Government Code 14526.5, the SHOPP is required to be submitted to the CTC no later than January 31 of each even-numbered year. Prior to that, the Department is required to circulate the draft for public review and comment. The Department is required to include these comments in its submittal to the CTC.

- **Regional Transportation Improvement Program (RTIP)**

The basis for project selection in the RTIPs is the RTPs. The RTIPs are required to be adopted by the RTPA boards by December 15<sup>th</sup> of every even year. During the adoption process, the RTPAs will circulate the RTIPs for public review and comment.

- **Interregional Transportation Improvement Program (ITIP)**

The basis for the project selections of the ITIP is the Interregional Transportation Strategic Plan. The ITIP is submitted to the CTC on December 15 of every odd numbered year. Before the submittal of the ITIP, the Department is required to consult with the transportation planning agencies, county transportation commissions and transportation authorities.

- **The STIP**

The ITIPs and the RTIPs are the building blocks to the STIP. The CTC adopts the STIP in April of every even-numbered year. Government Code Section 14529(g) requires the CTC to hold one public hearing in northern California and one public hearing in southern California for the STIP.

- **Federal Transportation Improvement Program/Federal Statewide Transportation Improvement Program (FTIP/FSTIP)**

The basis for project selection in the FTIPs are the MPOs' RTPs. The MPO development and adoption of the FTIPs also involves policy decisions by representatives of local governments and provides opportunity for consultation with local governments and for public comment. For those rural counties that are not included in an MPO, their RTPs serve as the basis for project selection in the FSTIP.

#### **Approach to Title VI**

The policy decisions on transportation planning and programming by State, regional and local government officials are made during the development

### III. PROGRAMS IMPACTED BY TITLE VI

---

49 CFR 21.5(b) (7)

and adoption of these basic planning and programming documents. Consultation with local governments, opportunity for public comment and Title VI consideration occurs during the development and adoption of these documents. Generally, as these documents are developed, draft documents are formally circulated and comments are solicited, proposed final documents are circulated and public hearings or meetings are conducted prior to adoption or approval. Documentation supporting the decision made during the development of the final documents are maintained by the respective State, regional or local government.

The process described above has been accepted by Federal, State, regional and local officials as the most practical for providing timely and meaningful opportunity for government consultation and public involvement in the implementation of California's Transportation Programming process.

#### 2. PROJECT DEVELOPMENT

The term project development refers to the process of a highway or transit project in which the environmental study necessary for the National Environmental Policy Act (NEPA) compliance is performed. During this process, data and information on project alternatives and related environmental effects are collected and analyzed. The goal of this process is to develop a complete understanding of the existing and future environmental conditions and the possible effects of a proposed project in order to make the best project decision in terms of meeting the intended transportation need, the goals of an area or community and for protection and enhancement of the environment.

The project development process includes environmental, right of way, construction contracting, construction and research programs.

##### a. Environmental

The environmental process is an integral part of the project development process. It emphasizes public input, objective analysis of project impacts and commitments of mitigation measures to reduce or eliminate significant impacts to minority or low-income communities. The environmental process, together with the project development and public involvement processes ensures that all transportation projects developed comply with Title VI and Executive Order 12898 on EJ.

49 CFR 21.5(b) (7)

The Division of Environmental Analysis has developed guidance in the form of an Environmental Handbook series to assist all programs within the Department to better understand the Division of Environmental Analysis' responsibility to ensure that the department's projects and activities are planned, developed and approved consistent with the charge to be good stewards of California's resources.

This guidance takes the form of a multi-volume Environmental Handbook and is intended to guide the work of both internal and external

### III. PROGRAMS IMPACTED BY TITLE VI

---

EO 12898	environmental practitioners. Volumes 1 and 4 provide guidance relative to consideration of Title VI issues. Volume 1 provides a collection of the laws, regulations, guidelines, practices, procedures and processes that must be addressed as part of the project planning and development processes. In addition, it provides instruction for preparing and processing of the environmental documents required by NEPA. Volume 4 provides guidance to individuals responsible for evaluating the potential Community Impact Assessment (CIA).
49 CFR 21.9(b)	The Department's districts are required to prepare CIA reports to document their efforts to identify low-income and minority groups, which could be disproportionately impacted by a project. The finding of this assessment is then placed in the draft and final environmental documents for the project in question. Both the CIA reports and the approved environmental documents are kept on file in the district and made available to the public and interested parties if requested.
23 CFR 200.9(b) (14) EO 12898	<p>The identification of low-income and minority communities or groups is a major emphasis of the CIA under the heading of EJ. Information gained during performance of this assessment is essential to determine if the potential for disproportionate or discriminatory impacts would occur as a result of a specific transportation project's implementation.</p> <p>Primary and secondary sources of information are consulted to determine if such communities and/or groups are known to be present within the transportation project's study area. The most current demographic information is reviewed to determine the ethnicity and economic levels of the study area's inhabitants and whether clustering of minority and low-income people is evident within the study area. Sources of demographic information include: Census, population and economic projections made by local or regional agencies. Appropriate public outreach and participation programs are decided upon as a result of this information. If accurate census data is not available, field visits to the project area are made. Local businesses and services are observed to identify minority populations.</p>
49 CFR 21.5(b) (7)	
49 CFR 21.5(b) (7)	Public involvement is an integral part of the project development process (Project Development Procedures Manual, Chapter 22). Public open houses is a technique used to give the impacted community a chance to voice their concerns, learn more about the project and meet project staff. Notices for these open houses are distributed throughout the project area in several ways: the most common way is newspapers advertisements, posted invitations in public places and flyers door-to-door where appropriate. Depending on demographic information, invitations are printed in languages readily understood by communities impacted and notices are printed in newspapers that target the community impacted. Interpreters are made available at the open houses for translation. When appropriate, printed informational materials are also printed in alternative languages appropriate to the project area. These actions are documented
EO 13166	
EO 13166	
49 CFR 21.9(b)	

### III. PROGRAMS IMPACTED BY TITLE VI

---

- 23 CFR 200.9(b) (14) in the draft Environmental Impact Report/Environmental Impact Statement. Headquarters and Division of Environmental Analysis District Coordinators review Environmental Impact Statements for quality, completeness, sufficiency and adequacy of the public participation and EJ documentation.
- 49 CFR 21.5(b) (8) The Division of Environmental Analysis Manager is responsible for ensuring adherence to the Department's Title VI and Related Statutes Nondiscrimination Statement and that Title VI matters and related requirements are considered as part of the environmental planning process and included in program directives. Responsibility for the identification, evaluation and mitigation planning for environmental effects, including Title VI issues, has been delegated to the districts for mobility projects within their assigned geographic area. When Title VI issues are identified in the environmental process, appropriate mitigation measures are proposed to either avoid, minimize, rectify or compensate the impact. Mitigation measures are documented in the environmental document prepared for the project.
- 49 CFR 21.5(b) (14)
- 49 CFR 21.9(b) The environmental document includes a complete discussion of all of the public outreach and public participation efforts made during project planning and development, including early coordination with affected communities, their overall input into the project scoping process, documentation of all formal and informal meetings with community groups and the general public. The environmental document must include the rationale for the range of project alternatives, the selection of the preferred alternative and the development of mitigation measures. The final environmental document includes responses to comments generated during the public review process.
- 49 CFR 21.9(b)
- Currently, there is no method in place for monitoring of Title VI issues in the environmental process. However, a mitigation monitoring quality team is currently in place to design such a process during State fiscal year 2001/2002. The team is made up of senior environmental planners throughout the State.
- 49 CFR 21.5(b) (7) The Division of Environmental Analysis is offering a two-day community impact assessment workshop to all its environmental planners throughout the State. This workshop contains a heavy emphasis on EJ techniques for identifying minority populations, and effective public participation techniques. Attendance records are maintained in headquarters. Workshops are also conducted for Departmental programs and local cities and counties. These workshops are conducted on a continual basis. To date, nine workshops have been presented throughout the State and five more are scheduled for 2001.

### III. PROGRAMS IMPACTED BY TITLE VI

---

#### b. Right of Way

The Division of Right of Way provides property rights for the construction of transportation projects in accordance with the Federal and State Uniform Relocation Assistance and Real Property Act, which requires that people affected by transportation projects be treated fairly and equitably. These activities require ongoing interaction with the public during all phases of the highway project particularly in the following areas:

- Appraisals
- Property Management
- Acquisitions
- Condemnation
- Relocation Assistance Program

EO 13166

The Division of Right of Way (R/W) has built into its policies and procedures affirmative measures to comply with the requirements of Title VI. Checks and balances throughout the R/W process ensure fair and equitable treatment. Additionally, when necessary, interpreters are provided to communicate with the affected individual(s) throughout the R/W process.

The R/W Manual and all revisions are provided to every R/W Agent in the Division of R/W as well as to the local agencies. Revisions are made and distributed on an ongoing basis as the need arises. The entire R/W Manual was revised in 1993 and approved by FHWA.

23 CFR 200.9(b)(4)  
49 CFR 21.9(b)

23 CFR 200.9(b)(12)

The procedures and format regarding the Title VI Survey, which is used to gather and maintain data about the ethnicity of property owners, tenants and displacees were developed and distributed to all R/W personnel in fiscal year 1988/1989. The process includes providing property owners, tenants and displacees with a Title VI brochure and a voluntary Title VI survey for completion. The Title VI brochure provides information on the discrimination complaint process. The survey is anonymous and asks questions to determine gender (of the head of household), marital status and ethnicity. The completed survey is returned to the District Planning and Management function. It is kept on file in Planning and Management and filed by Expenditure Authorization number (project number). Should the need arise, information regarding the ethnicity of those affected by the project can be obtained from these files. At present no analysis is done using this data.

Since regionalization, the process for gathering and maintaining the Title VI Survey remains unchanged.

23 CFR 200.9(b)(14)

Procedures are currently being reexamined to determine if Title VI compliance is being met in the most efficient and effective way possible.



### III. PROGRAMS IMPACTED BY TITLE VI

---

This process will include reevaluating the data captured by the Title VI Survey and determining 1) whether or not the appropriate data is being captured and 2) the best course of action to analyze said data to see whether inequities exist. It is anticipated that this will be completed by January 1, 2003.

23 CFR 200.9(b) (14) Annually, or on an annual or rotating basis, headquarters Division of Right of Way evaluates all of the R/W functions in the regions/districts to be in compliance with Title VI and the Uniform Relocation Assistance and Real Property Acquisition Policies Act. This is done by way of Quality Enhancement Joint Reviews (QEJRs).

23 CFR 200.9(b) (14) The QEJRs are performed by a team of three or more R/W personnel usually at the Senior level. The team typically consists of one functional Senior from headquarters, one from the district or region being reviewed and one from a district or region unrelated to either headquarters or the district or region to be reviewed. Files are randomly selected and reviewed to make sure that actions taken are consistent with the policies and procedures set forth by Title VI, the R/W Manual, the Uniform Act and all other pertinent statutes. The QEJR review criteria are the standards set forth in the R/W Appraisals, Property Management, Acquisitions, Condemnation and Relocation Assistance Program specifications. A specific QEJR review may focus on one or more of the program activities and will be based on the respective program criteria.

23 CFR 200.9(b) (14) When findings of deviation from policies and procedures have been determined, the QEJR Team works together to find the cause of the problem. A course of corrective action is determined, which could include staff reassignment, additional training, etc. Headquarters Division of R/W follows up to see that the problems are resolved.

49 CFR 21.5(b) (7) The Division of R/W has a Title VI Training Module that is given to R/W Agents statewide. This affirmative measure is done to further ensure awareness of, and compliance with, the requirements of Title VI. The objectives of this training are to:

- Foster understanding and application of a preventative and proactive team approach to ensuring nondiscrimination in all programs and activities affecting R/W's customers.
- Identify Title VI issues along with the major R/W activities and decisions that come into play surrounding them.
- Promote understanding of R/W's roles and responsibilities as they relate to Title VI and nondiscrimination.

49 CFR 21.5(b) (7) The R/W Agents are also required to attend a mandatory ethics class and are expected to adhere to the highest ethical standards in all dealings with both internal and external customers. The Division of R/W has designated

### III. PROGRAMS IMPACTED BY TITLE VI

---

a headquarters R/W Title VI Coordinator whose primary responsibilities are to:

- 23 CFR 200.9(b) (3)
- Assist the Discrimination Complaint Investigation Unit with R/W complaints by facilitating investigations and providing technical information.
  - Attend necessary appeals hearings and expedite resolutions.
  - Ensure the evaluation of district/region performance for compliance with Title VI laws and regulations, delivery of the Title VI Survey, and maintenance of Title VI records. This is accomplished by making sure that QEJRs address Title VI issues.
  - Review and recommend necessary changes in policy.

#### **Appraisals**

- 23 CFR 200.9(b) (14)
- The R/W Agent provides the following documents to the property owner: the Notice of Decision to Appraise letter (requesting the property owner or their representative to accompany the appraiser on his or her initial inspection of the property), Title VI brochure, Title VI Survey and a return envelope addressed to the district planning and management function. The delivery and the method of delivery of the above-mentioned documents are recorded in the parcel diary of each specific parcel file.
- 49 CFR 21.9(b)

- EO 13166
- Along with the above documents, property owners are provided with an informative booklet entitled “Your Property/Your Transportation Project.” This booklet is designed to answer property owners’ most frequently asked questions regarding the acquisition process. These informational booklets are available in Spanish. Translators are provided when necessary.

Staff appraisers are highly trained and continue their education throughout their careers. They are encouraged, and often required, to take classes provided by the Appraisal Institute and the International Right of Way Association as well as Junior Colleges.

Appraisals are made in accordance with the highest professional methods and ethical standards and with constant regard to the rights of the property owner and citizens of the State. Departmental appraisers adhere to the State Uniform Act. Uniformity and fairness in the treatment of property owners is the goal of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970.

- 49 CFR 21.5(b) (7)
- All districts/regions, with the exception of the Northern Region, use what is known as the Cumulative Review Process. This process is used by the Department to ensure consistent standards of quality for staff appraisals. The process typically entails two or more levels of supervisory review of the appraisal product prior to its approval for use in the negotiation process. In the course of appraisal review, the supervisor/reviewer confirms that the parcel diary indicates that Title VI information has been delivered. The
- 23 CFR 200.9(b) (14)

### III. PROGRAMS IMPACTED BY TITLE VI

---

23 CFR 200.9(b) (13) reviewer certifies that the appraisal is appropriately supported and a fair determination of Just Compensation was established. On a project that includes a number of similar properties, the reviewer will also look for consistency in value and equal treatment among parcels to be acquired. In some instances, and always in the Northern Region, a "Review Appraiser" serves this same purpose, refer to the Right of Way Manual, Section 7.01.15.00.

Owner occupants of improvements containing four units or less are entitled to review the appraisal.

Where a property is appraised at over \$10,000, an acquisition agent uses the appraisal for negotiations with the property owner. This serves as a further check on the fairness and accuracy of the appraisal product. On nominal value appraisals, the appraisal amount is reviewed and approved prior to the first written offer. Special attention is given to consistency across comparable properties.

#### **Acquisitions**

49 CFR 21.5(b) (7) During the first call or visit with the property owner, the R/W Agent verifies that the property owner received the Title VI Survey and brochure.  
49 CFR 21.9(b) If the property owner states that he/she has not received the appropriate Title VI information, the Agent then delivers the documents to the property owner. The Agent documents his actions regarding the information supplied and its receipt in the parcel diary.

The property owner is also provided with an Appraisal Summary Statement. The Appraisal Summary Statement consists of a form and a transmittal letter. The form outlines specific financial data relative to land, improvements and damages. The letter informs property owners and lessee's having a compensable interest in the property being acquired with their rights.

Additionally, the transmittal letter informs the recipient that the Appraisal Summary Statement represents the full amount of the appraisal and that the recipient is entitled to full payment of just compensation prior to vacation.

All first written offers are based on the appraised (fair market) value of the property to be acquired. Any subsequent adjustments to this amount are in accordance with accepted appraisal theory and standards and are subject to the scrutiny of the cumulative review process. Any adjustments must be fully justified, documented and consistent across comparable properties.

Department policy requires that a reasonable number of acquisition calls be made to property owner. The property owner must be given reasonable time to consider the State's offer. For most properties, no less than three personal calls and 30 days are considered reasonable. This ensures that

### III. PROGRAMS IMPACTED BY TITLE VI

---

every effort has been made to negotiate a settlement prior to initiation of condemnation proceedings.

- 49 CFR 21.5(b) (7) One or more supervisory levels thoroughly review all details of and documents pertaining to the transaction. This process further ensures compliance with regulatory requirements.
- 23 CFR 200.9(b) (14)

All property owners are informed of their right to receive just compensation for their property. If, after being informed of this right, the owner desires to donate the property, he/she must provide the district/region with a signed statement or letter waiving said right to just compensation.

#### **Condemnation**

Expert witnesses hired for condemnation purposes must complete an Ethnic Group and Small Business Questionnaire (ADM-0362) as a part of their expert witness service contract. This form is kept in the contractor's file in the Condemnation section where the information can be obtained should the need arise.

#### **Relocation Assistance**

- 23 CFR 200.9(b) (12) All displacees receive a standard General Information Notice which contains a nondiscrimination clause, as well as a Title VI brochure and a voluntary Title VI Survey with a return envelope addressed to the District Planning and Management function. The Relocation Agent delivers this material and documents the action in the parcel diary. The R/W Agent informs the displacees that furnishing the information is voluntary.

EO 13166 Additionally, the Relocation Agent provides displacees with a Relocation Assistance Program (RAP) Information Booklet that includes a nondiscrimination clause and is available in English and Spanish. Where necessary, a bilingual specialist is provided for liaison and interpretation. Any such action is documented in the parcel diary.

EO 13166 Whenever a field relocation office is established, a bilingual or ethnic aide is made available in areas with a high percentage of non-English speaking displacees.

All displacees, including minority and low-income persons shall be relocated to a comparable replacement dwelling that is decent, safe and sanitary as described in 49 CFR 24.2(f). The Relocation Agent is responsible for visually inspecting the replacement housing and completing a replacement housing inspection report certifying the dwelling conforms to the standards for decent, safe and sanitary.

#### **Property Management**

- 23 CFR 200.9(b) (12) The R/W Agent is required to inform the State's post-acquisition tenants about the Department's policy and procedures under Title VI. At this time, the R/W Agent provides the tenant with the Title VI Survey and Title VI brochure with a return envelope addressed to the District Planning and

### III. PROGRAMS IMPACTED BY TITLE VI

---

- 49 CFR 21.9(b) Management function and informs the tenant that furnishing the information is voluntary. The R/W Agent documents the action in the rental file diary.
- 23 CFR 200.9(b) (14) The first line Supervisor ensures that all Title VI requirements are being met by periodic review of the rental files and through discussions with the agents. The R/W Property Management function has identified this procedure as a critical issue and has procedures in place to ensure compliance. These procedures include region/district review of rental files and periodic QEJRs. Based on the outcome, headquarters' R/W Property Management staff provide training.
- 23 CFR 200.9(b) (14) In the course of the review process, the Supervisor/Reviewer confirms that the rental file diary documents that Title VI information has been delivered. The reviewer certifies that the rent is appropriately supported and a fair determination of market rent was established regardless of race, color, sex or national origin. On a project that includes a number of rentals, the reviewer will also look for consistency in equal treatment among rental properties.
- 49 CFR 21.9(b)

#### **Planning and Management**

- 49 CFR 21.9(b) The District Planning and Management function gathers and maintains the voluntary Title VI Survey forms in the project file, identified by county, route and Expenditure Authorization, and assures that no personal information is held in any individual project or parcel file.
- 23 CFR 200.9(b) (14) Annually, or on a rotating basis, Planning and Management staff participate in QEJRs to evaluate region/district performance for compliance with Title VI laws and regulations, delivery of the Title VI Survey and the brochure and maintenance of Title VI records.

Upon request, completed Title VI Surveys are available to the Title VI Program or FHWA for review or audit.

#### **c. Construction**

The construction process includes Pre-construction, (design and contracting) Construction and Post-construction (maintenance).

Construction focus is placed on the delivery and construction of capacity enhancing, operational improvement and general maintenance of projects that provide and promote the transportation needs for the people of the State of California.

##### **1. Pre-construction**

###### **a. Design**

The Division of Design is responsible for taking the customer's needs statement and stakeholders' design constraints into consideration while preparing a solution that solves the customer's problem while also

### III. PROGRAMS IMPACTED BY TITLE VI

---

satisfying the stakeholders' issues. The products of this effort are project plans, specifications and estimates (PS&E). Customer's need statements come to the design staff from customers such as the Traffic Operations, Maintenance or Planning Divisions via the District Deputy Director of Project Management.

23 CFR 200.9(b) (14) As required by NEPA, Project Development Teams (PDT) are formed and meet as needed during the life of a project to ensure conformance to mitigation issues agreed to in the environmental document are met. The primary role of the PDT is to provide direction for the scope of the project and to recommend to the District Director a preferred alternative that is in compliance with the environmental document and public input. Project team staff members provide technical advice to the PDT and implement the PDT's decisions regarding the project. The PDT and Project Team interactions provide a check and balance to ensure Title VI compliance is met.

49 CFR 21.9(b)  
EO 12898 Public involvement efforts are documented in the environmental document and are summarized in the project report. These documents substantiate the efforts and actions taken to comply with Title VI.

The Division of Design adheres to standard specifications, thereby eliminating the potential for discrimination.

#### **b. Contracting**

The Division of Engineering Services has established uniform procedures, which are used by the Department PS&E for construction projects. The Division of Engineering Services transitions the PS&E documents into the contracting process. This includes:

- 49 CFR 21.5(b) (7)
- The preparation of the final contract documents for distribution to potential bidders; and
  - Advertising, bid opening, award and approval of all Department construction contracts greater than \$117,000.

The Division of Engineering Services is responsible for the following Title VI responsibilities:

- 23 CFR 200.9(b) (13)
- Including nondiscrimination and compliance requirement clauses in federally assisted construction contracts.
- 49 CFR 21.5(b) (7)
- Distributing information related to the Department's contracts through various media to provide all bidders with access to contracting opportunities.
- 23 CFR 200.9(b) (14)
- Ensuring a level playing field in the bid and award process by applying the same criteria and standards to all bidders.
  - Designation of a Title VI Program Area Administrator to function as a liaison on Title VI matters.

### III. PROGRAMS IMPACTED BY TITLE VI

---

The Division of Engineering Services will carry out its Title VI responsibilities as follows:

#### **Contract Provisions**

23 CFR 200.9(b) (13) Every federally assisted construction contract will include the following language: “The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, sex, age, or disability in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination or such other remedy as the recipient deems appropriate. Each subcontract signed by the bidder must include this assurance.”

Every federally assisted contract will physically include Form PR-1273, “Federal Requirements for Federal-Aid Construction Contracts,” which ensures nondiscrimination in the selection of employees and subcontractors. Contract language requires that each subcontract and any lower tier subcontract includes Form PR-1273 and further states: “This requirement shall be enforced as follows: Noncompliance shall be corrected. Payment for subcontracted work involved will be withheld from progress payments due, or to become due, until correction is made. Failure to comply may result in termination of this contract.”

23 CFR 200.9(b) (13) The Notice to Contractors for every federally-assisted project will inform bidders that the project is subject to nondiscrimination and compliance requirements pursuant to Government Code Section 12990 and will address the payment of prevailing wage rates.

23 CFR 200.9(b) (13) In addition, each federally assisted project will include language requiring prompt progress payment and prompt payment of withheld funds to subcontractors. Project language will also encourage the formation of “Partnering” relationships between the State and the contractor to maintain cooperative communication and mutually resolve conflicts at the lowest possible management level.

23 CFR 200.9(b) (13) Language for Federal contracts with a DBE goal will inform bidders that the project is subject to 49 CFR Part 26. The contract will contain written notice of the goal; specifications related to DBE program administration within the Department and any contract clauses required by 49 CFR Part 26. Contract documents for projects without a DBE goal will contain language urging bidders to obtain DBE participation. After completion of any federally assisted project, the contractor will be required to report the names of participating DBEs, a complete description of the work or supplies provided and the dollar amount paid to DBEs. Contract language allows the Department to withhold \$10,000 from final payment until the contractor submits a satisfactory report.

### III. PROGRAMS IMPACTED BY TITLE VI

---

The Division of Engineering Services maintains a database that captures information regarding the participation of DBE contractors as outlined in Federal DBE regulations. The DBE regulation promotes the participation of socially and economically disadvantaged owned business enterprises. This data is reported quarterly to Civil Rights.

49 CFR 21.9(b)  
23 CFR 200.9(b) (4) Contract documents are checked before advertising to ensure that the required language has been included. If there are changes to the contract language (including revisions to the federal prevailing wage rates) during advertising, all planholders are notified of the change through an addendum to the contract.

#### **Project Advertising**

49 CFR 21.5(b) (7)  
23 CFR 200.9(b) (14) The Division of Engineering Services advertises projects in a variety of electronic and printed forms in order to ensure equal access to information regarding contracting opportunities. These mediums include:

- The California State Contracts Register, published by the Department of General Services, which advertises contracting opportunities for all State agencies. The Register is only available electronically on the Internet and is updated daily. Internet advertisements are published for 14 days.
- The Weekly Advertisement for Bids, published by the Department lists all construction projects over a dollar threshold established by the Department of Finance (currently \$117,000) and is released for advertisement during that week. The advertisement identifies the geographic location of the project; the type of work; the number of working days and the bid opening date, time and location. The publication also lists projects previously advertised for which bids have not yet opened, and projects tentatively scheduled for future advertisements.

49 CFR 21.5(b) (7) The weekly advertisement for bids publication is distributed free of charge by direct and electronic mail to subscribing firms such as contractors, subcontractors, material suppliers, truckers and to builders exchanges and plan rooms and is available at the Sacramento and Irvine plan counters. The Department provides the advertisement information to major construction trade papers such as the Daily Construction Service and the Dodge Construction News Green Sheet. Advertisement information is also published on the Office Engineer Internet web page.

The Twelve Month Tentative Advertisement, published by the Department and updated monthly, lists projects greater than \$1 million that are tentatively scheduled for advertising in the next twelve months. The list is distributed free of charge by direct and electronic mail and includes the project location, type of work, the estimated cost of the project and the tentative month of advertising.

49 CFR 21.5(b) (7) In addition to the Weekly Advertisement for Bids, the Division of Engineering Services Internet web page allows users to view and/or



download general bidding and project information, the plans and specifications for individual projects, addenda issued on specific projects, the list of planholders on projects, bid ordering information and the Department's Standard Specifications and Standard Plans. The Internet web page provides links to a variety of resources to assist bidders. These links include: the California Department of Insurance, the California Contractors State License Board, Internet sites providing Federal and State prevailing wages and the Department of Transportation Civil Rights, Division of Construction, Contractor Payment site, the emergency contractors registry site, and the Division of Procurement and Contracts.

#### **Bid Opening**

The Department does not pre-qualify bidders - any firm which is properly licensed in the classification required for the work and which posts a bidder's security is eligible to bid on and be awarded construction contracts.

Bid openings for non-emergency projects are held on Tuesdays and Wednesdays in Sacramento (Northern California projects) and on Thursdays in Irvine (Southern California projects). All bids must be received by 2:00 p.m. on bid opening day. The date, time and location of bid opening is specified in the documents sent to all bidders.

23 CFR 200.9(b) (13)

All bids must be submitted in a sealed envelope, which clearly identifies the contents as a bid proposal. The envelopes are time and date stamped, and the name of the company submitting the bid is entered on a Record of Bidders for the specific project in the order of receipt. An announcement is made at the deadline for receipt of bids. Before bids are actually opened, the envelopes are counted and checked against the Record of Bidders to ensure that all of the bids for a specific project are in the correct stack.

Bids are then opened individually in public. The bidder's name and location are read. Before the total bid amount is read, the bid is checked for compliance with the following requirements: Does the bid include a valid bidder's security? Is the bid signed? Has the bidder submitted a price for each item? If one of these items is missing or the bidder has qualified, i.e., placed conditions on its bid, the bid is immediately declared non-responsive and the total is not read. If all these conditions are met, the total amount is then read and simultaneously entered on the Record of Bidders. Tape is then placed over the unit and extended prices written on the bid item pages to prevent tampering with the bid.

After all bids have been read, bid price extensions and bid totals are electronically verified. Any mathematical discrepancies discovered during verification are resolved in accordance with procedures specified in the bid book. In addition to verifying the mathematical totals, the Department verifies whether a bond was used as the bidder's security, the bond was provided by a California admitted surety and confirms the classification and

### III. PROGRAMS IMPACTED BY TITLE VI

---

status of the bidder's contracting license. Although bidders on federally assisted projects are not required to be licensed until contract award, the Department checks the license to allow bidders time to address problems with the license (if there are any).

No later than one working day following bid verification, the names of the three lowest bidders, their total bid and the subcontractors identified by the apparent low bidder are recorded on a telephone "Bid Results Hotline" at (916) 654-5500 and furnished to the construction trade papers.

Printed bid summaries listing all bidders, their subcontractors and their itemized bids are distributed free of charge to each bidder and are posted on the Office Engineer Internet page approximately five days after bid opening.

#### **Contract Award**

California law requires the Department to award projects to the lowest responsible bidder which meets all of the contract requirements:

- The bidder bid on all of the work specified, provided a valid bidder's security, and signed the proposal.
- The DBE submittal (if required) was received by the Department within the time limits specified.
- The bidder has demonstrated good faith efforts to meet the DBE goal by documenting that it either met the goal or made adequate good faith efforts to meet the goal.
- The bidder is properly licensed in the State of California.
- The bidder has not been suspended or debarred from bidding on Federal construction contracts.

Before the contract can be awarded, the district or region in which the work is to be performed must evaluate the bid data and provide a recommendation whether to award the contract or reject all bids. The district/region can also recommend rejection of an individual bid if the bid is mathematically or materially unbalanced to the detriment of the State.

- 23 CFR 200.9(b) (13) The Department also has the authority to determine that an individual bidder is not responsible when the Department has reason to question the bidder's fitness, capacity and ability to satisfactorily perform the proposed work. The Department weighs factors such as past failure to satisfactorily complete the work, termination of contract for cause, a history of repeated failure to follow the resident engineer's direction requiring close supervision, abusive language or conduct toward State personnel, and falsification of Departmental records.

### III. PROGRAMS IMPACTED BY TITLE VI

---

If the Department determines that a bidder is not responsible, the Department will advise the low bidder in writing of the specific bases upon which this finding has been made. The letter offers the bidder five working days to request a meeting with the Department to reply to and rebut the determination and to present evidence that it is a qualified, responsible bidder.

A Hearing Officer or a committee, which prepares a written recommendation to the Chief Engineer regarding the bidder's responsibility, conducts the meeting which is recorded. If the Chief Engineer concludes that the bidder is not responsible, the Department may either proceed to review the second low bid or reject all bids.

#### 2. Construction

By the time a project reaches the construction phase, it has been planned, designed and awarded to a contractor. All of the Federal Title VI requirements have been fully integrated into the construction contract.

The Division of Construction responsibilities is to safeguard public safety, provide for public convenience and perpetuate public trust through construction engineering and contract administration. The Division of Construction works in partnership with the public, Federal, State, county and city project stakeholders, division and district staff, industry and trade associations, individual contractors and private consultants to construct high quality transportation projects within the provisions of the State law and Federal law.

- 49 CFR 21.5(b) (7) The Title VI role of the Division of Construction is to follow through on community agreements, comply with mitigation measures and preserve Title VI requirements built into the contract.

#### Approach to Title VI

- 49 CFR 21.5(b) (7) An essential element for compliance with Federal Title VI requirements is staff training and development. The Division of Construction will integrate Title VI training into the Capital Projects Skill Development Program. This three-year program provides about \$2.6 million per year for construction staff training over the next three years. Title VI training will be under training course C09 "Title VI" and "DBE Regulations" which is currently under development. This training will be made available to area Construction Engineers, Resident Engineers and Field Inspectors.
- 23 CFR 200.9(b) (3) Procedures for processing Title VI and Title VII complaints are documented in a procedure bulletin.
- 23 CFR 200.9(b) (14) The Senior Construction Engineers are responsible for overseeing the work of Resident Engineers. This practice serves as quality assurance to ensure the integrity of the process.

### III. PROGRAMS IMPACTED BY TITLE VI

---

- 23 CFR 200.9(b) (14) As a matter of practice, as specified in the Construction Manual, Section 1-10-3, the District Construction Engineer makes periodic reviews to ensure the correctness of project records and adequacy of contract funds. Additionally, periodic reviews of projects are also conducted to ensure that materials and completed work comply with plans, specifications and design concepts.
- Occasionally, a contract must be amended by a contract change order. Contract amendments may be due to a contractual requirement, changes in field conditions or request by a contractor to perform the work more quickly, efficiently or cost effectively. The Resident Engineer or the contractor may initiate a contract change order. Most contract change orders involve technical details that have no effect on Title VI; however, occasionally, a change order could have a significant change that could have a Title VI impact.
- Significant changes involve adjustment of project scope, material, cost or schedule. Examples of significant contract amendments are: new traffic detours, changes in the length or limits of project, changes in a mitigation measure, change in contract mandated material borrow or disposal site or materials changes. These changes are documented in a best interest determination letter recommended by the District Director and approved by the Construction Program Manager.
- 23 CFR 200.9(b) (14) Though significant changes are administrated by the Resident Engineer, the Design Project Engineer and Project Manager are required to evaluate the impacts of the significant change including compliance with Title VI requirements. The Project Manager generally coordinates function support units and facilitates Title VI compliance impacts for significant contract amendments. Design Project Engineer concurrence is always required, because he/she is the Engineer of record for the project plans. In approving change orders, the Design Project Engineer ensures the engineering integrity of the project is not compromised and is inline with the original scope of the project congruent with the transportation need. These activities are recorded and become part of the project file.
- 49 CFR 21.9(b)
- 23 CFR 200.9(b) (14) The Resident Engineer is responsible for ensuring identified mitigation measures that are included in the contract are carried out. The Project Engineer, Project Manager and Resident Engineer may meet at the beginning of the project to exchange information regarding permits, agreements and mitigation measures.
- 49 CFR 21.5(b) (7)
- 23 CFR 200.9(b) (8) The Division of Construction, Contract Employment Practices Manager is responsible to review program directives for inclusion of Title VI and related requirements. The Division of Construction Procedure Bulletins and Directives are reviewed for compliance with EEO and Title VI requirements.

### III. PROGRAMS IMPACTED BY TITLE VI

---

49 CFR 21.5(b) (7) Most Title VI mitigation measures are associated with complex projects in urban areas. The Resident Engineer may conduct community meetings, prepare press releases or hire public relations consultants to keep communities informed and advised on project scope and schedule, (see EO 13166 Construction Manual, Section I-205 and I-206). These notices are published in the languages of the communities impacted. These EO 12899 affirmative measures are taken to ensure nondiscrimination and preservation of EJ. The Resident Engineer ensures the integrity of the process by carrying out the project strictly according to the plan and specifications. The Senior Resident Engineers who serve as quality assurance oversee this process. These activities are documented and become part of the project file.

The Division of Construction uses staff training and clear communication regarding Title VI policy to eliminate discrimination.

#### **Data Collection and Analysis**

23 CFR 200.9(b) (4) The Division of Construction collects contract data including number of active contracts, payments, percent complete, progress schedules, 49 CFR 21.9(b) subcontractor complaints and contract changes orders.

49 CFR 21.9(b) Subcontractor complaints are compiled and reported to the legislature yearly. Currently, there is no method in place to spot review prompt payment of subcontractors; however, based on the number of complaints received regarding prompt payment issues, this is not perceived to be a problem area.

23 CFR 200.9(b) (3) Reported Title VI complaints are referred to the Civil Rights, Discrimination Complaint Investigation Unit (DCIU) for investigative jurisdiction. If the Title VI complaint is against the Department, DCIU refers the complaint to FHWA for investigation. The Division of Construction tracks the status and progress of the investigation. Assistance of the Resident Engineer and Labor Compliance Officer is available to FHWA.

23 CFR 200.9(b) (14) The facts and findings of the Title VI investigation, including suggested corrective actions to remedy a Title VI violation, is analyzed by Construction Program Management. This information is used as a basis for establishing policy and initiating process improvement.

23 CFR 200.9(b) (3) The number of Title VI complaints received is compared to the average number of contracts administrated during a fiscal year. If there is a significant increase in the number of complaints, the Division of Construction will conduct field investigations and concurrent process reviews to determine appropriate corrective action.

49 CFR 21.9(b) The Division of Construction annually submits contract data, complaint statistics, complaint analysis and reports of corrective measures to Civil Rights for inclusion in the annual report.

#### 3. Post-Construction

The preservation, upkeep and restoration of the State highway system are the responsibility of the Division of Maintenance. Responsibilities of the division also include the operation of Highway facilities and services to provide satisfactory and safe Highway transportation. Because resources are limited, maintenance activities must be accomplished according to standard priorities in order of importance:

- Safety
- Preservation of facility
- Traffic service
- Appearance

The established standards for setting priorities are defined as levels of service. Functional classification of the highway being worked on - Principal Arterial, Minor Arterial or Collector/Low Volume - dictate the maintenance level of service for the particular section. All maintenance activities are subdivided into three distinct types: (1) responsive, (2) scheduled and (3) planned. Responsive maintenance is performed on an as-needed basis dependent upon the critical nature of the situation. It is in the areas of scheduled and planned maintenance that the maintenance manager has some discretion in the distribution of maintenance resources. The distribution of discretionary funds is determined by order of priority, emergency responses, safety response, preservation, drivability and lastly, community input.

23 CFR 200.9(b) (14) Procedures will be examined to determine if Title VI compliance is being met in the most efficient and effective way. Consideration to implement a method of analysis to determine whether the order of priority or the shifting of projects is disproportionately affecting low-income and minority populations will be examined in fiscal year 2002/2003.

49 CFR 21.5(b) (7) District 10 has a full time Cultural Resources Coordinator who work closely with California Tribal Governments, and other Native American communities in an effort to identify sensitive cultural resource sites along the State highway system. Sites are identified to alert maintenance personnel of the environmentally sensitive area.

The State Highway Maintenance Agreements with local agencies delegate the responsibility for preservation, upkeep and restoration of portions of the State highway system in accordance with Sections 116 and 130 of the Streets and Highways Code. In contrast to the Maintenance priority standards, these agreements provide flexibility and allow the local agencies to be responsive to the community needs.

Roadway signage on State highways is in compliance with Federal mandate, however, in light of Executive Order 13166, Improving Access to

### III. PROGRAMS IMPACTED BY TITLE VI

---

Services for Persons with Limited English Proficiency, the Division of Maintenance will be exploring the use of alternative communication methods and devices for compliance with the Executive Order and Title VI of the Civil Rights Act of 1964.

#### **d. Research**

The Division of New Technology and Research (NT&R) manages a wide variety of transportation-related research activities. The research activities are performed by civil service personnel or contracted to universities or consultants who have the capabilities and expertise to perform the research. The NT&R has established partnerships with various universities to create specialized transportation-related research centers which are utilized to develop, conduct and administer research activities. Through these research centers, the Department provides the opportunity for students to perform transportation-related research and to gain expertise in the field of transportation.

Additionally, the Department NT&R co-sponsors the University Transportation Centers Program established by TEA 21. This program is managed by the Research and Special Programs Administration of the U.S. Department of Transportation and provides educational and research opportunities for all students regardless of race, color, national origin, sex, age or disability.

#### **Approach to Title VI**

The NT&R utilizes the contracting processes established by Division of Procurement and Contracts which include review by the Department's Legal for compliance.

The following list represents efforts made by NT&R to ensure compliance with Title VI requirements:

- |   |  |
|---|--|
| 23 CFR 200.9(b) (13)                        | • Title VI requirements have been included in all NT&R contracts.  |
| 49 CFR 21.5(b) (7)                          | • The NT&R has scheduled contract training on an annual basis for all employees who are Contract Managers and for employees who may in the future manage contracts. This year's contracts training will include a section on Civil Rights which will address Title VI requirements.  |
|   | • The Department has provided mandatory civil rights training to NT&R employees.   |
| 23 CFR 200.9(b) (14)<br>23 CFR 200.9(b) (4) | • The NT&R will develop a process to gather data on contracts. Data collected will include how many and what types of contracts, Request for Proposals and agreements are processed; the number of proposals submitted by potential contractors and dollar amounts of contracts. Also, consideration to implement a method of collecting data on nonacademic contracts will be examined in the upcoming fiscal year. |
| 49 CFR 21.9(b)                              |  |

### III. PROGRAMS IMPACTED BY TITLE VI

---

Data collected will be reviewed on an annual basis and summarized. Determination of compliance with Title VI will be tracked and documented.

- Every effort will be made to contract with universities with significant minority student populations. The contract process will be randomly reviewed and analyzed to determine whether disparities exist. Corrective measures will be implemented to correct any disparities.
- Formal reports on Title VI compliance will be discussed and developed with the assistance of the Civil Rights Title VI Program. Development of any reports will also be dependent upon the gathering of data and its review. These procedures are anticipated to be in place in fiscal year 2002/2003.

#### 3. OTHER SERVICES

Other services include: the Division of Local Assistance, Division of Aeronautics, Division of Mass Transportation and Division of Rail. The Division of Local Assistance administers pass through funds to subrecipients. The Division's of Aeronautics, Mass and Rail Programs fall within the external transit systems.

##### a. Local Assistance

The Division of Local Assistance (DLA) is responsible for management of the State's local agency projects and programs that utilize Federal-Aid funds. Title VI assurances are required for all of the Federal-Aid projects this office oversees. Extensive efforts to implement Title VI have been undertaken. DLA has checks and balances throughout its processes including legal review of major agreements and documents, audits of the local agencies and their contractors to ensure an accurate system and monitoring of the processes by the District Liaison Area Engineer's (DLAE) staff to ensure Federal requirements are being met. These efforts are detailed below:

The DBE compliance for local agencies and their contractors/subcontractors is addressed in detail under a separate implementation plan. The DBE Plan was developed in partnership with Civil Rights. This plan applies to other Departmental Divisions as well as the DLA. The DBE Plan, presently in use by DLA, was approved by the Federal Highway Administration on November 20, 2000.

There are a number of actions that have been developed by DLA and are used by the DLAE staff to facilitate the local agencies in meeting Federal requirements. Attendance at public meetings by the DLAE and receiving copies of the meeting minutes during the planning stages of local agency projects help to ensure nondiscrimination and EJ are properly being addressed at these early stages of a project. Checklists along with a review of the PS&E and attendance at public meetings are some of the tools that

49 CFR 21.5(b) (7)



### III. PROGRAMS IMPACTED BY TITLE VI

---

- are used initially, and then used later to facilitate DLA in performing process reviews and other quality assurance functions to ensure continued compliance by the local agencies. The checklists and PS&Es are reviewed by the DLAE upon receipt to ensure compliance with all Federal and State regulations including Title VI. If deficiencies are noted, the DLAE contacts the local agency to resolve the deficiency and/or issue prior to the local agency proceeding with the project. Once the deficiency, and or issue is resolved, the DLAE then proceeds to approve and provide Federal-Aid and/or State-Aid funding to the local agency. Records of the checklists, funding documents, etc., are maintained in the district by the DLAE and at headquarters. These actions, along with the supporting documentation, help to ensure nondiscrimination and EJ at the local agency level.
- 23 CFR 200.9(b)(14)
- 49 CFR 21.9(b)

#### **Local Agency Construction Administration Checklist**

- This checklist confirms the presence of the designated Labor Compliance Officer and EEO Compliance Officer who both will ensure that all Labor/EEO compliance requirements are performed and documented in the project files. This list also confirms that the local agency has considered a DBE goal and that the contractor will make good faith efforts to meet the DBE goal when applicable. This checklist is used as the documentation that the local agency met the requirements prior to “the authorization for construction” being granted.
- 49 CFR 21.9(b)

#### **Resident Engineer’s Construction Administration Checklist**

- This checklist is completed by the Resident Engineer and provides assistance to the local agencies in administering Federal-Aid highway construction projects. This checklist documents data similar to the Local Agency Construction Administration checklist, but also provides a record that the EEO/Wage Rate/False Statements Posters are being posted at specific locations and that employee interviews will be conducted in accordance with the Labor/Compliance/EEO Interview form. The local agency submits the checklist along with the award package prior to the Federal-Aid Project Agreement being executed.
- 49 CFR 21.9(b)

#### **PS&E Checklist**

This checklist also ensures that the Federal contract requirements are being implemented. Specifically, it confirms the implementation of the mandatory FHWA Form 1273; EEO Certification and numerous DBE provisions, which ensure prime contractor’s good faith efforts to use DBE subcontractors and/or suppliers. This checklist is part of the Department’s data collection as it is submitted by the local agency to the Department along with the local agency’s request for authorization to proceed.

Master Contracts with local agencies include an extensive section on Title VI nondiscrimination assurances. Supplemental project agreements also include a reaffirmation of the nondiscrimination assurances.

### III. PROGRAMS IMPACTED BY TITLE VI

---

- 49 CFR 21.9(b) Local agency preliminary environmental studies, technical reports, environmental assessment and environmental impact statements provide for data collection and analysis on demographics of neighborhoods and communities. The DLAEs and Environmental Specialists review the environmental documents to ensure no disproportionate adverse impacts occur on minority and low-income neighborhoods or communities. These procedures are described in the Local Assistance Manual, Chapter 6.
- 23 CFR 200.9(b)(14)

Right of Way activities on local projects are monitored by the Department district R/W staff to ensure compliance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970.

Chapter 9 of the Local Assistance Procedures Manual contains instruction to the local agencies on how to proceed with Title VI and other civil rights complaints. Chapter 9 was recently revised to reflect new DBE regulations (49 CFR Part 26) and was approved by the FHWA on November 20, 2000.

Chapter 16 of the Local Assistance Procedures Manual contains instructions for local agencies to comply with EEO requirements. These instructions include a list of 16 essential affirmative action steps, the effort required to implement them, the record that should be maintained to document the contractor's efforts and the EEO compliance review forms that should be used. This chapter also contains the requirements for the "Monthly Employment Utilization Report" and the "Federal-Aid Highway Construction Contractors Annual EEO Report" which are prepared by both contractors and subcontractors on local agency projects.

#### **Approach to Title VI**

##### **Reviews**

- 23 CFR 200.9(b)(14) The DLA conducts process reviews jointly with FHWA and Civil Rights to ensure Federal and State, including Title VI, compliance. Process reviews are conducted in each of the 12 districts. The process reviews apply to the local agencies, contractors and subcontractors. The nature of the process review is to document that the required processes are being followed in compliance with the laws and regulations. Team members are typically representatives from FHWA, Civil Rights, Department headquarters staff as well as other involved district staff. The frequency of these reviews and selection of districts depends on the subject and level of compliance; normally the process reviews are planned and conducted on an annual basis. When findings of deviation from policies and procedures are determined, a course of corrective action is determined to resolve the deficiency.
- 49 CFR 21.9(b)
- 23 CFR 200.9(b)(14)

##### **Training**

- 49 CFR 21.5(b)(7) The DLA provides formal training in the areas of EEO, labor compliance and DBE compliance for local agencies. The training is part of the Federal-Aid series of courses on the Federal-Aid process and the Resident Engineer

### III. PROGRAMS IMPACTED BY TITLE VI

---

Academy. Training will also be provided on the new DBE Program requirements.

The DLA works with the Division's of Environmental Analysis and Right of Way to include the local agency personnel in their respective training academies. Additionally, on an ongoing basis upon request by the local agency or if deficiencies occur, DLA works with the districts to provide enhanced training in the areas of EEO, labor compliance and DBE compliance. The enhanced training service is either on-the-job or classroom instruction.

23 CFR 200.9(b)(8) Department Title VI Program staff review all Division of Local Assistance Civil Rights directives, manuals and procedures to ensure that the Title VI requirements are complete and accurate.

The DLA and the Title VI Program have established a partnership to develop comprehensive DLA Title VI Guidelines addressing methods of administration and implementation. This activity is in progress with implementation in fiscal year 2002/2003.

#### **b. Aeronautics**

The Division of Aeronautics permits and annually inspects heliports and public-use airports, makes recommendations regarding proposed school sites within two miles of an airport runway and authorizes helicopter landing sites at or near schools. The Division of Aeronautics administers noise regulation and land use planning laws that foster compatible land-use planning around airports and encourages environmental mitigation measures to lessen noise, air pollution and other impacts caused by aviation. It also provides grants and loans for safety, maintenance and capital improvement projects at airports.

The Division of Aeronautics assists in the development of an air transportation system that:

- Meets statewide and regional goals and objectives (Section 14000.5 (c), California Government Code)
- Is consistent with the needs and desires of the public, and
- Is compatible with airport location and services.

#### **Approach to Title VI**

23 CFR 200.9(b)(14) • When reviewing OWPs, check to see that the MPO/RTPA has inserted Title VI language and if they have incorporated minority and low income populations and their needs into their process.

49 CFR 21.9(b) • Maintain a binder in the Title VI Program Area Administrator's office documenting the above activities.

### III. PROGRAMS IMPACTED BY TITLE VI

---

- Evaluate and implement public participation techniques in the upcoming year.
- The Division of Aeronautics will work with the Federal Aviation Administration (FAA) regarding oversight of airports. The FAA provides direct funding to the airports.

23 CFR 200.9(b) (14) When working with local planning agencies to develop a regional aviation system plan, the Aeronautics Program will certify that the planning agency incorporates their official public participation program to involve CBO participation in the planning process.

#### **c. Mass Transportation**

The Division of Mass Transportation (DMT) is responsible for the administration of State and Federal Programs. These programs provide funding and technical assistance for mass transportation operating assistance and capital improvement projects, including the development of inter-modal facilities that serve the movement of people. It is responsible for services involving buses and certain types of vans, including demand-responsive services for the disabled, and commuter and urban rail services and the improvement, acquisition and other capital expenditures associated with waterborne ferry operations for the transportation of passengers and/or vehicles.

The DMTs activities are:

#### **Transportation Development Act (TDA)**

The TDA provides two major sources of State funding for public transportation: the Local Transportation fund and the State Transit Assistance fund. These funds are for the development and support of public transportation to meet the transit needs that exist in California.

#### **Office of Transit Resource Center (TRC)**

The TRC is responsible for the Rural Transit Assistance Program (RTAP), Transit Technology liaison and sharing, DMT internet pages, Transit Information Center, Transit Funding Management Information Systems and Transit Management and Operations Training Activities. State funds and Federal RTAP and 5313 funds are utilized by the TRC.

#### **Office of Federal Transit Assistance (OFTA)**

The OFTA administers two federal grant programs - FTA Section 5311 which provides approximately \$9 million annually for public transportation in the 48 non-urbanized areas of the State and FTA Section 5307 which provides approximately \$35 million annually to the 27 small urbanized areas of the State. The FTA directly receives applications for 5307 funding from the subrecipients, and the Department is not involved in the application approval process.

### III. PROGRAMS IMPACTED BY TITLE VI

---

#### **Office of State Transit Programs (OSTP)**

The OSTP assists in supporting local, regional and Statewide public transportation systems by administering rail, ferry and transit improvement projects in a timely and effective manner. This includes processing requests for California Transportation Commission programming and funding actions related to projects programmed in the STIP, Transit Capital Improvement Program and Proposition 108 and 116 Bond Programs. The OSTP also executes fund transfer agreements for those projects.

#### **Office of Transit Planning and Policy (OTPP)**

The OTPP administers the State Mandated Social Services Transportation Improvement Program (State funds) requiring the RTPAs and CTCs to prepare and submit to the Department Director the social service transportation services updated action plan/progress report and inventory report. The OTPP has responsibility for business plan development and liaison, legislation analysis and special projects, such as the study of the State's role in mass transportation.

#### **Office of Program Development (OPD)**

The OPD is responsible for developing strategies and recommendations on transit-related issues utilizing both State and Federal funds. Issues presently being addressed include the transportation needs in welfare to work, guideway new starts and other transit projects, the transit requirements under new State legislation (Senate Bill 45), attracting nontraditional transit passengers and providing transit to Yosemite National Park.

#### **Job Access/Reverse Commute Program - Section 3037 of TEA 21**

The TEA 21 creates a new program for Job Access and Reverse Commute Grants. California has received approximately \$10 million for this program over the last two years. The twofold purpose of the program is:

- (1) To develop transportation services designed to transport welfare recipients and low-income individuals to and from jobs, and
  - (2) To develop transportation services for residents of urban centers and rural and suburban areas to suburban employment opportunities.
- Emphasis is placed on projects that use mass transportation services.

#### **Approach to Title VI**

The DMT follows the guidelines outlined in FTA Circular 9040.1E, Chapter 1 in meeting its civil rights requirements for 5311 grants. The DMT is currently working from a 1999 FTA approved 5311 State Management Plan. The plan is updated as policies or procedures change. The plan outlines how the Department will monitor subrecipients for compliance with the 5311 Program Federal requirements inclusive of Title VI. Grant applicants are required to submit a description of the extent of public involvement in

23 CFR 200.9(b)(14)

### III. PROGRAMS IMPACTED BY TITLE VI

---

- preparing the local application as governed by the Urban Mass Transportation Act of 1964, as amended. Much of the information provided in the grant award stage is of continuing significance in the determination of grantee compliance. The required grantee certifications substantiated by annual independent reviews and triennial review by FTA ensures grantees are in compliance with Title VI of the Civil Rights Act of 1964.
- 49 CFR 21.9(b) The Department annually self certifies that the State and local recipients are in compliance with all applicable civil rights requirements. In fulfillment of this assurance, local recipients are required to sign U.S. DOT and FTA Grantee Assurances. These assurances are maintained by the DMT. Upon receipt of 5311 grant applications, DMT reviews each application package using an application checklist to ensure application
- 23 CFR 200.9(b)(14) requirements inclusive of Title VI are met (refer to the appendix on the subject). During State fiscal year 2001/2002, DMT will evaluate the checklist and operational processes to ensure compliance with Title VI and related statutes and to ensure that there are no unresolved violations.
- 23 CFR 200.9(b)(3) Outside the application process, subrecipients of grant funds are required to report complaints to DMT on an ongoing basis. Reported Title VI complaints are referred to the Civil Rights, DCIU for investigation. The DMT Program tracks the status and progress of the investigation.
- The 5310 funding selection process is a competitive application process. The RTPAs score projects from their region using the CTCs adopted project scoring criteria and send a scored list of their projects to the Department. The Notice of Application is sent to approximately 3,000 nonprofit agencies and some public agencies where no private nonprofits are readily available to provide the proposed service or that have been approved by the State of California to coordinate services for elderly persons and persons with disabilities. To ensure an equitable process, a State Level Review Committee verifies the scoring decision. Committee members represent the Department of Aging, Department of Rehabilitation, Department of Developmental Services and the Department of Transportation. An appeal process is provided to those applicants who want to appeal the scoring decision. Grant application workshops are held Statewide in an effort to obtain a large application pool and to educate perspective grantees of the grant requirements.
- 49 CFR 21.5(b)(7) Under State contract, bidders are required to certify when responding to the Section 5310 Invitation for Bid that they will comply with all applicable Federal laws and regulations, including DBE requirements. Compliance with Title VI is formatted into a separate certification and must be signed by each vendor responding to the bid.
- 23 CFR 200.9(b)(14) Grantee agencies are required to submit quarterly reports certifying the use and condition of equipment. Additionally, DMT district staff conduct

### III. PROGRAMS IMPACTED BY TITLE VI

---

biennial inspections of local projects to ensure monies allocated for equipment purchase are used in accordance with the approved project.

#### d. Rail

The Department's Division of Rail manages and coordinates intercity rail passenger services in California. The Rail Program directly administers two state-supported routes, the San Joaquins running from the Bay Area to Bakersfield via Stockton (with one train operating between Sacramento and Stockton to Bakersfield) and the Pacific Surfliners (formerly the San Diegans) running from San Diego to Los Angeles and San Luis Obispo. These routes are supplemented by dedicated feeder bus service connecting outlying communities with intercity rail stations along each of the corridors. Amtrak operates the rail and bus services under contract with the State. The Division of Rail also provides funding and oversight to the Capitol Corridor Joint Powers Authority (CCJPA) which has the responsibility for administering the Capitols which run from San Jose/Oakland to Sacramento/Auburn. The CCJPA, in turn, contracts with Amtrak to operate the Capitols and their feeder buses.

Most of the Department's capitol projects involve Class I railroads, Burlington Northern Santa Fe and the Union Pacific. Capitol improvements are determined using quantitative models, projects on railroad right of way are statutory exempt from the environmental process. The Department works with Amtrak and commuter agencies to fund projects operating on these two rail rights of way.

23 CFR 200.9(b) (14) If the project goes off the railroad right of way, the railroad or local agency must conform to applicable environmental regulations including solicitation of public input. As the funding and responsible agency, the Rail Program reviews and approves the environmental document.

Services on all three corridors operate on track owned either by the Union Pacific, the Burlington Northern Santa Fe or two public agencies—the Southern California Regional Rail Authority and the North San Diego County Transit Development Board. Amtrak has entered into separate agreements with the Class I railroads or public agencies to allow operation of these intercity rail routes.

Funding for these three State supported services comes from the Public Transportation Account in the State Transportation Fund. The Capitols and San Joaquins are 100% State supported while Amtrak funds a one-third share of the Surfliner Corridor's operating losses.

The Division of Rail also manages the capital program for projects on the San Joaquin and the Pacific Surfliner corridors. These activities include long range planning, project planning and management and coordination with local agencies and railroads implementing intercity rail projects. These projects, which are on pre-existing rail rights-of-way owned either by

### III. PROGRAMS IMPACTED BY TITLE VI

---

Class I railroads or public agencies, are designed to increase train frequencies, reduce travel times and make train travel competitive with the private automobile. The Division of Rail also continues an active role in recommending funding and requesting programming of projects for the Capitols; however, the rail system is limited in site options.

The Rail Program does receive some federal funding; however, these funds are earmarked for specific projects in the Federal Appropriations Bill.

#### **Approach to Title VI**

- 23 CFR 200.9(b) (13) All contracts contain nondiscrimination language obligating contractors to nondiscrimination.
- 23 CFR 200.9(b) (14) Work that is contracted out to local agencies or to the Class 1 railroads is closely monitored to ensure the work is being performed as specified by contract.
- 49 CFR 21.5(b) (7) Procedures will be evaluated during State fiscal year 2001/2002 to identify areas of weakness and deficiencies. Where weakness and deficiencies are found, mechanisms will be revised or developed and implemented to ensure Title VI compliance requirements are met and that there are no unresolved Title VI violations prior to award of a contract or grant.

#### **Procurement and Consultant Services**

The Division of Procurement and Contracts provides support to the Department's divisions in providing the following services: 1) procurement of supplies and equipment for Department divisions and/or employee use; and (2) contracting for commercial, professional services and construction work (under \$117,000) for Department divisions. Construction contracts over \$117,000 are the responsibility of the Division of Engineering Services. The Department has some delegation in the area of procurement and contracts and has implemented bidding processes to ensure compliance with the nondiscrimination requirements of Title VI.

The Department of General Services (DGS) annually evaluates the Department for compliance with State and Federal policy and procedures and nondiscrimination laws and provides delegation authority based on this new evaluation. The current delegation from DGS is \$25,000.

- 49 CFR 21.5(b) (7) The Department publishes a handbook entitled "How to Do Business with Caltrans" to educate and acquaint the business community in doing business with the Department. The handbook provides information on how the Department does business: 1) purchasing of commodities and equipment; 2) contracting for services, including architectural and engineering contracts and 3) contracting for construction projects.

The handbook is available from the the Department's Publication Unit and Department's Internet website. The handbook contains the Title VI nondiscrimination requirements.



### III. PROGRAMS IMPACTED BY TITLE VI

---

49 CFR 21.5(b) (7) Procurement staff participate in community outreach forums at the request of community and local agencies. These forums are designed to educate the business community on how to do business with the Department. Procurement staff participates in 5-10 sessions per year including forums hosted by the Department's Civil Rights and DGS, Office of Small Business Certification and Resources. The Division will continue its commitment to community outreach by participating in an upcoming DGS Small Business Conference planned for fiscal year 2001/2002.

49 CFR 21.5(b) (7) Contract Managers are required to follow the policies and procedures to ensure contractors comply with the nondiscrimination requirements of Title VI as well as all other terms and conditions of the contract required by State and Federal policies and procedures. To assist with this effort, Contract Managers must be certified in Contract Manager Information Specialized Training Program for the type of service managed.

The training module provides Contract Managers and contract staff with information regarding State and Federal law requirements, policies and procedures for advertising, preparing and awarding commercial and professional service and construction contracts.

To further ensure a level playing field in procurement of services, the Department has mandated policy requiring all purchases for goods and services undergo a competitive bid process.

### III. PROGRAMS IMPACTED BY TITLE VI

---

#### IV. MANUALS AND DIRECTIVES

Name of Manual/Directive	Authored by Unit	Last Updated
Title VI Program Plan	Civil Rights Title VI Program	November 2001
Title VI Program Guidelines	Civil Rights Title VI Program	In progress
Local Assistance Procedures Manual	Division of Local Assistance	April 1, 1999
Local Assistance Program Guidelines	Division of Local Assistance	July 1, 1996
Highway Construction Manual	Construction Program	July 2001
“Statutes” book	Legal Service Center	1999
Plans Specifications, and Estimates Guide	Office Engineer	March 2001
DBE Program Plan	Civil Rights	November 20, 2000
Caltrans Service Contracts Manual	Office of Procurement and Contracts	June 2001
“How to Do Business with Caltrans”	Office of Procurement and Contracts	February 2001
Contract Manager’s Handbook, Condensed version issued	Office of Procurement and Contracts	March 1999
Environmental Handbook, Volume 1 “General Policy and Procedures	Division of Environmental Analysis	March 1995
Environmental Handbook, Volume 4, “Community Impact Assessment”	Division of Environmental Analysis	June 1997
Project Development Procedure	Project Development Procedures & Quality Improvement (PDP & QI)	July 1, 1999
Project Development Workflow Task	PDP & QI	November 28, 1994
Special Funded Projects Manual	PDP & QI	October 1991
Highway Design Manual	Geometric Design Standards	July 1, 1995
Maintenance Manual Volume I and II	Division of Maintenance	June 1998
Right of Way Manual	Division of Right of Way	1993



### A. INTRODUCTION

The Title VI and Related Statutes discrimination complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the Department of Transportation's (Department) programs, activities and services as required by statute.

### B. PURPOSE

The purpose of the discrimination complaint procedures is to describe the process used by the Office of Equal Opportunity, (OEO) Discrimination Complaint Investigation Unit (DCIU), for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

### C. ROLES AND RESPONSIBILITIES

- The Chief of the OEO has overall responsibility for the discrimination complaint process and procedures. The Chief provides direction to District Equal Opportunity (EO) Officers, Headquarters EO staff, and the DCIU on the discrimination complaint process.
- The District EO Officers, District Title VI Liaisons and Headquarters EO staff serve as points of contact statewide for the public to initiate complaints of discrimination.
- The DCIU is responsible for conducting an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon the information obtained from the investigation.

In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however must be signed by the complainant.

### D. FILING OF FORMAL COMPLAINTS

#### 1. APPLICABILITY

The complaint procedures apply to the beneficiaries of the Department of Transportation's programs, activities, and services, including but not limited to the public, contractors, subcontractors, consultants and other subrecipients of Federal and State funds.

#### 2. ELIGIBILITY

Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the Department or its subrecipients, consultants, and contractors on the basis of race, color, national origin, sex, age, or disability may bring forth a complaint of discrimination under Title VI and related statutes.

### 3. TIME LIMITATION AND FILING OPTIONS

Title VI complaints of discrimination may be filed with:

- The Department District EO Offices, Headquarters OEO, or DCIU
- Federal Highway Administration
- U.S. Department of Transportation

*In all situations, Civil Rights staff and/or District Offices must immediately forward Title VI discrimination complaints to the OEO DCIU.*

Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date when the person(s) became aware of the alleged discrimination; or
- Where there has been a continuing course of conduct, the date on which the conduct was discontinued.

### 4. TYPE OF COMPLAINTS

All Title VI and related statute complaints are considered formal as there is no informal process. Complaints **must** be in writing and **signed** by the complainant. Complaints must include the complainant's name, address and phone number and be detailed to specify all issues and circumstances of the alleged discrimination.

### 5. COMPLAINT BASIS

Allegations must be based on issues involving race, color, national origin, sex, age or disability. The term basis refers to the complainant's protected group status.

Protected Group Categories	Definition	Examples
Race	An individual belonging to one of the accepted anthropological racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group.	Black, White, Hispanic, Asian, Native American Indian, Filipino, or Pacific Islander.
Color	Color of skin, including shade of skin within a racial group.	Black, white, light brown, dark brown, etc.
National Origin	National birth site. Citizenship is not a factor. Discrimination based on language or a person's accent is covered by national origin.	Mexican, Cuban, Japanese, Vietnamese, Chinese.
Sex	Gender.	Women and men.
Age	Persons of any age.	21 year old person.
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic.

### E. INTERNAL COMPLAINT PROCESSING

#### 1. INITIAL CONTACT

District EO Officers, District Title VI Liaisons, and Headquarters EO staff serve as the Department's EO resources for members of the public who wish to file a discrimination complaint under Title VI and related statutes. As resources, the District EO Officers and Headquarters EO staff provide complainants with:

- An explanation of their filing options.
- The discrimination complaint process.
- A Title VI and Related Statutes Discrimination Complaint Form.
- The brochure, titled "Caltrans and You, Your Rights Under Title VI and Related Statutes."

#### 2. THE COMPLAINT REVIEW PROCESS

- a. The DCIU reviews the complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and meets jurisdiction.
- b. The complaint shall be investigated unless:
  - The complaint is withdrawn.
  - The complainant fails to provide required information after numerous requests.
  - The complaint is not filed timely.
  - Any issues that do not involve discrimination, or are not based on a protected basis will be directed to the appropriate entity. Under no circumstance is the complainant discouraged from filing a complaint.
- c. Upon determination that the complaint warrants an investigation: The complainant is sent a letter, acknowledging receipt of the complaint, the name of the investigator, and is provided with his/her rights under Title VI and related statutes.
- d. The respondent is notified by mail that he/she has been named in a complaint and is provided with his/her rights under Title VI and related statutes. The letter also reveals the investigator's name and informs the respondent that he/she will be contacted for an interview.
- e. A letter is sent to the District Director when the complainant(s) or respondent(s) are located in a district office. If the parties are located in Headquarters, the program manager will be informed that a complaint was filed, the letter will list the names of the parties involved, the basis of the complaint and the assigned investigator.

## **F. INVESTIGATION**

### **1. INVESTIGATION PLAN**

The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s);
- Basis for the complaint;
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against;
- Information needed to address the issue;
- Criteria, sources necessary to obtain the information;
- Identification of key people;
- Estimated investigation time line;
- Remedy sought by the complainant(s).

### **2. CONDUCTING THE INVESTIGATION**

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case, which the witness can provide firsthand information.
- Interviews are tape recorded with the interviewee's consent.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- The investigation working papers are completed, cross-referenced and indexed.
- The interviewee may have representation of his/her choice at the interview.



### 3. INVESTIGATION REPORTING PROCESS

- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the Chief OEO for review.
- The Chief, OEO reviews the file and investigative report. Subsequent to the review, the Chief, OEO, makes a final determination of “probable cause” or “no cause” and prepares the final decision letter for signature by the Deputy Director, Civil Rights Program.
- The DCIU shall prepare and submit a written report to the Title VI Coordinator, outlining the following complaint details: Date of written complaint; contract number; contractor and/or subcontractor name; and, complaint basis (race, color, national origin, etc.)

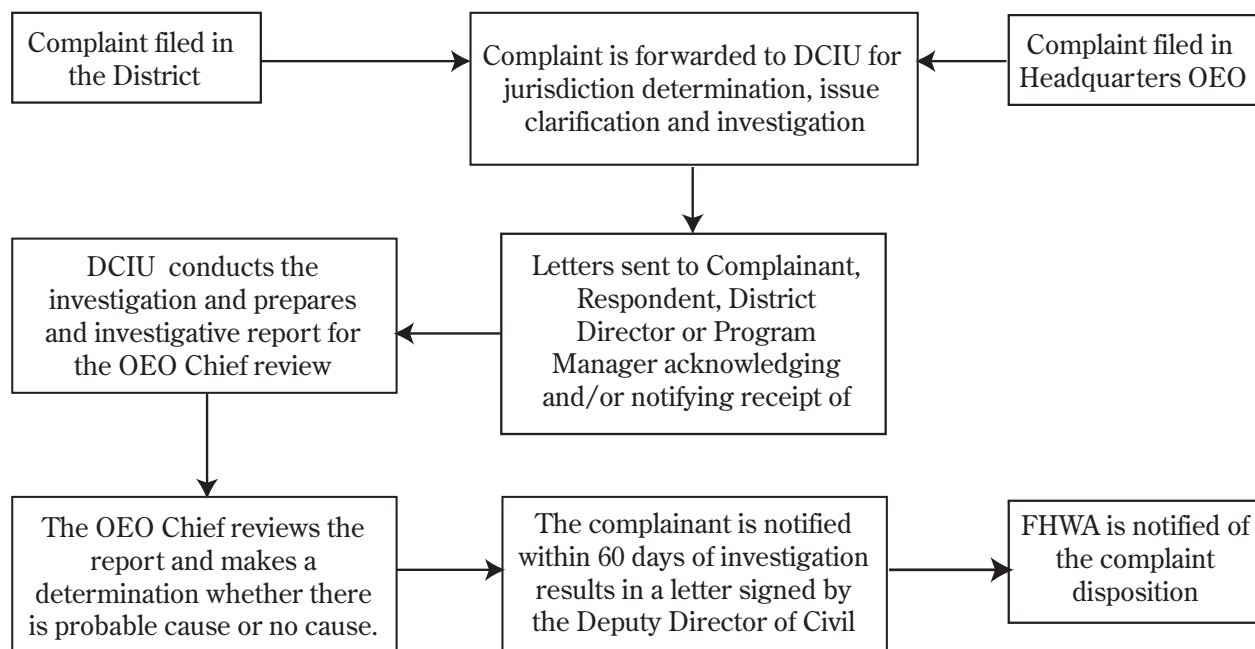
### G. REPORTING REQUIREMENTS TO AN EXTERNAL AGENCY

A copy of the complaint, together with a copy of the report of investigation, is forwarded to the Federal Highway Administration within 60 days of the date the complaint was received.

### H. RECORDS

All records and investigative working files are maintained in a confidential area within the DCIU. Records are kept for three years internally then archived for a period of ten years at the State Records Center.

### I. TITLE VI AND RELATED STATUTES COMPLAINT PROCESS FLOWCHART



## J. AUTHORITIES

### **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

**Title VI of the 1964 Civil Rights Act**, 42 U.S.C. 2000, provides in section 601 that:

“(N)o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (Proscribes discrimination in impacts, services, and benefits of, access to, participation in, and treatment under federal-aid recipients’ programs or activities)

### **SECTION 324 FEDERAL-AID HIGHWAY ACT**

**23 U.S.C. 324**, provides that: “(N)o person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title.” (Prohibits discrimination on the basis of sex)

### **SECTION 504 OF THE REHABILITATION ACT OF 1973**

**Section 504 of the Rehabilitation Act of 1973**, 29 U.S.C. 790, provides that:

“(N)o qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.” (Prohibits discrimination based on physical or mental handicap)

### **AGE DISCRIMINATION ACT OF 1975**

**The Age Discrimination Act of 1975**, 42 U.S.C. 6101, provides that:“(N)o person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” (Prohibits discrimination based on age)

### **CIVIL RIGHTS RESTORATION ACT OF 1987**

The Civil Rights Restoration Act of 1987, P.L. 100-209, provides clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. (Restores the broad, institution-wide scope and coverage of the nondiscrimination

statutes to include all programs and activities of federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not.)

**EXECUTIVE ORDER 12898**

E.O. 12898 — Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (as amended).

**EXECUTIVE ORDER 13166, LIMITED ENGLISH PROFICIENCY**

This Executive Order directs Federal agencies, recipients and sub-recipients of Federal financial assistance to examine services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide services so LEP persons have meaningful access to them. In addition, Federal agencies must develop and implement a plan to improve the language-accessibility of their programs by December 11, 2000.



**TITLE VI AND RELATED STATUTES DISCRIMINATION COMPLAINT**

EEO (REV 4/2001)

		FOR OFFICE USE ONLY	
Location		Dist./Div.:	
Name of Complainant:	Home Telephone:	Work Telephone:	
Mailing Address:			
What is the most convenient time for us to contact you about this complaint?			
Basis of Discriminatory Action(s):			
____ RACE    ____ COLOR    ____ NATIONAL ORIGIN <small>(Title VI - Civil Rights Act of 1964)</small>		____ SEX <small>(23 USC 324)</small>	____ AGE <small>(Age Discrim. Act of 1975)</small>
____ DISABILITY <small>(Section 504 - Rehab Act of 1973)</small>			
Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination:			
How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional page(s), if necessary)			
Names of individuals responsible for the discriminatory action(s):			
Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint:			
<u>Name</u>	<u>Address</u>	<u>Phone Number</u>	
The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel you have been retaliated against (separate from the discrimination alleged above), please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.			

**TITLE VI AND RELATED STATUTES DISCRIMINATION COMPLAINT (pg 2)**  
**EEO (REV 4/2001)**

<p>What remedy, or action, are you seeking for the alleged discrimination:</p>											
<p>Have you filed, or intend to file, a charge or complaint regarding the matters raised in this complaint with any of the following?</p> <p>_____ U.S. Equal Employment Opportunity Commission</p> <p>_____ Federal or State Court</p> <p>_____ Department. of Fair Employment and Housing</p> <p>_____ Federal Highway Administration/ U.S. Department. of Transportation</p> <p>If you have already filed a charge, or complaint, please provide the following information:</p> <table style="width: 100%;"><tr><td style="width: 50%;">Agency/Court: _____</td><td style="width: 50%;">Attorney Name: _____</td></tr><tr><td>Adress: _____</td><td>Address: _____</td></tr><tr><td>Date Filed: _____</td><td>Phone Number: _____</td></tr><tr><td>Case Number: _____</td><td></td></tr><tr><td>Date of trial/hearing: _____</td><td></td></tr></table> <p>Status of case:</p> <p>_____</p> <p>_____</p> <p>_____</p>		Agency/Court: _____	Attorney Name: _____	Adress: _____	Address: _____	Date Filed: _____	Phone Number: _____	Case Number: _____		Date of trial/hearing: _____	
Agency/Court: _____	Attorney Name: _____										
Adress: _____	Address: _____										
Date Filed: _____	Phone Number: _____										
Case Number: _____											
Date of trial/hearing: _____											
<p>Please provide any additional information that you believe would assist with this investigation.</p>											
<b>**We cannot accept an unsigned complaint. Please sign and date this complaint form below.</b>											
<p><b>The nature of Complainant:</b></p> <p>_____</p>	<p><b>Date:</b></p> <p>_____</p>										

### A. ANNUAL ACCOMPLISHMENT REPORT FORMAT

In accordance with CFR 23 §200.9 (b) (10) & (11), an annual report of Title VI accomplishments for the past year and goals for the next year is submitted to the Federal Highway Administration by October 1. This report update should contain the necessary information to evaluate a State's Title VI Program as it pertains to accomplishments, shortfalls and problem areas.

#### **Accomplishment Report for Each Program Area** [23 CFR, §200.9 (b) (10)]

At the minimum, the following should be included in an annual Title VI update for each of the various program areas. Include accomplishments made regarding Title VI since the last plan update and include instances where Title VI issues were identified and discrimination was prevented.

#### **1. PLANNING**

- a. What activities and/or studies were conducted that provided data relative to minority persons, neighborhoods, income levels, physical environment and travel habits? Please list each activity or study and include a very brief statement about the activity or study and how it was/will be used.
- b. Identify the number of public meetings and hearings held during the reporting period. What efforts did you use to ensure citizen participation in the public meetings and hearings, particularly minorities, women, elderly, disabled and low-income? Were minorities, women, elderly, disabled and low-income citizens, both individually and through their organizations, represented in the citizen participation effort? How many and in what capacity?
- c. Describe the mechanisms used to identify what communities (minorities, women, elderly, disabled and low-income) were represented at these public meetings and hearings.
- d. Provide a summary of Title VI self-monitoring activities conducted, including findings, recommendations, action items and status thereof.
- e. What Title VI training was provided by your program?
- f. What Title VI training was attended by your program personnel?
- g. List any significant problem areas and corrective actions taken.
- h. List goals/actions planned for the ensuing year.

### 2. ENVIRONMENTAL SERVICES

- a. During the reporting period, how many pre-draft Environmental Impact Statements (EIS) were reviewed? Summarize comments provided on EISs where minorities, women, elderly, disabled and low-income persons were adversely impacted.
- b. How many public hearings were held during the reporting period concerning location of a project? How were the hearings advertised, and was it adequate to provide notification to minorities and low-income communities?
- c. How were minorities, women, elderly, disabled and low-income community representatives identified and encouraged to become involved in the project location and environmental phase?
- d. During the reporting period, was there a need to utilize bilingual or non-English advertisements, announcements, notices, etc.?
- e. Provide a summary of Title VI self-monitoring activities conducted, including findings, recommendations, action items and status thereof.
- f. What Title VI training was provided by your program?
- h. What Title VI training was attended by your program personnel?
- i. List any significant problem areas and corrective actions taken.
- j. List goals/actions planned for the ensuing year.

### 3. RIGHT OF WAY

- a. How many negotiations were made during the reporting period? Does the negotiator's log reflect any disparity in the conduct of negotiations between minorities and non-minorities?
- b. Did minorities, women, elderly, disabled, or low-income raise any concerns regarding their options in the negotiation phase? If so, specify how many were minorities, women, elderly, disabled and low-income.
- c. Describe the mechanisms used to identify what communities (minorities, women, elderly, disabled and low-income) were represented in the negotiation phase.
- d. Specify the number of relocations during the reporting period:
- e. Were any concerns raised by minorities, women, elderly, disabled and low-income on replacement housing, referral housing, appraisals, relocation assistance, payments and property management?
- f. Provide a summary of Title VI self-monitoring activities conducted, including findings, recommendations, action items and status thereof.



- g. List any significant problem areas and corrective actions taken.
- h. List goals/actions planned for the ensuing year.

### 4. PROJECT INITIATION AND SELECTION

- a. How are Title VI considerations addressed through stakeholder involvement mechanisms?
- b. Describe how minorities, women, elderly, disabled and low-income populations were provided opportunities to be involved in project selection processes.
- c. Describe the mechanisms used to identify what populations (minorities, women, elderly, disabled and low-income) were represented in the project selection processes.
- d. Describe what project selection decisions if any, were affected by Title VI or Environmental Justice issues?
- e. Provide a summary of Title VI self-monitoring activities conducted, including findings, recommendations, action items and status thereof.
- f. What Title VI training was provided by your program?
- g. What Title VI training was attended by your program personnel?
- h. List any significant problem areas and corrective actions taken.
- i. List goals/actions planned for the ensuing year.

### 5. CONSTRUCTION

- a. How many projects were initiated in this reporting period?
- b. Of these projects, how many had mitigation measures?
- c. Identify how many mitigation measures had Title VI implications.
- d. For each mitigation measure having Title VI implications, briefly describe what was mitigated.
- e. How many contract change orders had Title VI implications during this reporting period? Briefly describe how the implications were resolved.
- f. How many public meetings were held to keep communities informed of projects? Were minorities, women, elderly, disabled and low-income populations represented at these meetings?
- g. Describe the mechanisms you used to identify what communities (minorities, women, elderly, disabled and low-income) were represented at these meetings.

- h. Describe the efforts made to invite minorities, women, elderly, disabled and low-income communities to the meetings.
- i. Provide a summary of Title VI self-monitoring activities conducted, including findings, recommendations, action items and status thereof.
- j. What Title VI training was provided by your program?
- k. What Title VI training was attended by your program personnel?
- l. List any significant problem areas and corrective actions taken.
- m. List goals/actions planned for the ensuing year.

### 6. RESEARCH

- a. How many research projects are currently underway?
- b. Summarize actions taken to encourage universities to use minority, female, disabled and low-income students to participate on highway research projects.
- c. Provide a summary of Title VI self-monitoring activities conducted, including findings, recommendations, action items and status thereof.
- d. What Title VI training was provided by your program?
- e. What Title VI training was attended by your program personnel?
- f. List any significant problem areas and corrective actions taken.
- g. List goals/actions planned for the ensuing year.

### 7. EQUAL OPPORTUNITY

At a minimum, address the following questions in your response.

- a. Provide a summary of Title VI self-monitoring activities conducted, including findings, recommendations, action items and status thereof.
- b. List goals/actions planned for the ensuing year.

### 8. STAFFING COMPOSITION

Please provide the titles, ethnicity and gender of employees, by program, working within the Department of Transportation. Were there any vacancies during the reporting period? What efforts were made to increase the representation of minorities, women and the disabled if they are underrepresented?

### 9. TRAINING

- a. What Title VI training was provided by your program?

- b. What Title VI training was attended by your program personnel?
- c. Were any civil rights complaints filed concerning training and educational opportunities? If so, what corrective actions were taken? Provide a summary of concerns raised, complaints filed, status, etc.

### COMPLAINTS

#### **Planning**

Were any civil rights complaints received as a result of the Department's planning process; e.g., public involvement activities, lack of coordination with Indian tribal governments, contracting opportunities for planning studies or corridor studies? If so, how many? Summarize each complaint and the status, with actions proposed and taken.

#### **Environmental**

Were any complaints received as a result of the Department's choice of highway location or the procedure used for arriving at the choice? If so, how many? Summarize each complaint and the status, with actions proposed and taken.

#### **Right of Way**

1. Did your program receive any civil rights complaints in the following Right of Way functional areas:
  - a. Appraisals
  - b. Negotiations
  - c. Relocation Assistance and Payments
  - d. Property Management

If so, how many? Summarize each complaint and the status, with actions proposed and taken.

#### **Construction**

Has your program received any civil rights complaints involving competitive bidding procedures? If so, was any corrective action needed, what corrective action did the Department take? (Provide summary of any concerns raised by Disadvantaged Business Enterprise firms concerning licensing, lack of subcontracting opportunities, etc.)

#### **Research**

Were any civil rights complaints received regarding non-utilization of minority universities for research studies? If so, how many? Summarize each complaint and the status, with actions proposed and taken.

## VI. ANNUAL ACCOMPLISHMENT REPORT FORMAT

---

### VII. LIMITED ENGLISH PROFICIENCY

#### WHAT IS LIMITED ENGLISH PROFICIENCY?

Limited English Proficiency is a term used to describe individuals who are not proficient in the English language. California is home to millions of individuals from different cultures and backgrounds. A significant number are limited English proficient (LEP). An example of this is identified by the California Department of Education language census, which reveals there are 5,727,303 students enrolled in public schools K-12, of which 25% or 1,406,166 are LEP. At a national level, a total of 3,379,772 LEP students are enrolled in public schools. California represents 42% of K-12 LEP students enrolled in public schools nationally.

#### AUTHORITY

Executive Order (EO) 13166 – Improving Access to Services for Persons With Limited English Proficiency, August 2000 is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. Accordingly, it prohibits recipients of Federal financial assistance from discriminating based on national origin by failing to provide meaningful access to services to individuals who are LEP. This protection requires that LEP persons be provided an equal opportunity to benefit from or have access to services that are normally provided in English.

#### HOW DOES LEP AFFECT THE DEPARTMENT OF TRANSPORTATION?

There are two laws that require the Department to provide LEP persons with meaningful access to programs, activities and services. The following matrix illustrates these laws/policy and the considerations.

<b>Title VI of the Civil Rights Act of 1964</b>	<b>Limited English Proficiency Executive Order 13166</b>	<b>Dymally-Alatorre Bilingual Services Act</b>
<ul style="list-style-type: none"><li>• Federal law</li><li>• Enacted in 1964</li><li>• Contains monitoring and oversight compliance review requirements</li><li>• Considers all persons</li><li>• Provides protection on the basis of race, color, and national origin</li><li>• Annual Accomplishment and Upcoming Goals Report to FHWA</li></ul>	<ul style="list-style-type: none"><li>• Policy<sup>1</sup></li><li>• Signed August 2000</li><li>• Considers the eligible population</li><li>• Contains monitoring and oversight requirements</li><li>• No numerical or percentage thresholds factor criteria is required</li><li>• Focused on providing LEP persons with meaningful access to services using factor criteria</li></ul>	<ul style="list-style-type: none"><li>• State law</li><li>• Enacted in 1973</li><li>• Considers the current customer base</li><li>• Lacks monitoring and evaluation mechanisms</li><li>• Threshold – substantial number and 5 percent or more customer base</li><li>• Focused on providing alternative language service at public counters</li><li>• Requires a biennial language survey</li></ul>

<sup>1</sup> Executive Order 13166 is policy, however the protections afforded for national origin fall under the purview of Title VI of the Civil Rights Act of 1964.

### DIVISION RESPONSIBILITY

The EO directs recipients of Federal financial assistance to take reasonable steps to provide LEP individuals with meaningful access to their programs, activities, and services.

The following chart, although not exhaustive, illustrates Division and Program activities and responsibilities relative to LEP services.

<u>Activity</u>	<u>Responsibility</u>	
	Division / Program	Title VI Program
• Assessing and addressing the needs of eligible persons	X	
• Taking reasonable steps or ensuring that responsible steps are taken to ensure meaningful access	X	
• Developing and implementing monitoring control mechanisms to ensure ongoing compliance	X	
• Compliance, monitoring and oversight	X	X
• Providing technical assistance and guidance		X

The key to providing meaningful access for LEP persons is to ensure effective communication exists between the division and the LEP person. To accomplish effective communication the following actions and discussions are considered appropriate at a divisional level:

1. Perform a needs assessment
2. Provide for oral language assistance
3. Notify LEP customers of the availability of language assistance services
4. Translate vital documents in languages other than English
5. Train staff
6. Develop written procedures
7. Monitor and evaluate access to language assistance

### 1. NEEDS ASSESSMENT

Each division is to continuously assess language assistance needs of the population to be served by identifying the following:

- Languages likely to be encountered and number of LEP persons in the eligible population likely to be directly affected by its program
- Public contact where languages assistance is needed
- Resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use

### 2. ORAL LANGUAGE ASSISTANCE

Providing LEP persons with oral language assistance at public service counters or when telephone contact is appropriate. Such assistance may take the form of bilingual staff, contracting with an outside interpreter service or the use of voluntary community interpreters who are skilled and competent in interpreting.

Employment of bilingual staff in divisions and programs is recommended, when feasible, where the percentage of LEP customers or potential customers is statistically significant, or where the frequency of contact with such persons will provide for efficient and effective communication. A decision to employ bilingual staff should be based on a needs assessment with due consideration given to budget constraints and in accordance with department policy. The Division of Human Resources can provide additional information on bilingual staff recruitment, bilingual pay procedures, departmental positions requiring bilingual skills, and names and locations of staff that speak an alternative language and language spoken.

### 3. NOTIFICATION OF AVAILABILITY OF LANGUAGE ASSISTANCE SERVICES

LEP persons have the right to free language assistance in their spoken language. Divisions are responsible for informing the public of this right. Language identification cards or posting signs in public areas are methods that can be used to provide notice.

### 4. TRANSLATION OF WRITTEN MATERIALS

It is appropriate to have written materials that are routinely provided in English to applicants, customers and the general public translated into languages that are regularly encountered. The translation of vital documents into languages other than English is particularly important where a significant number or percentage of the customers served or eligible to be served have limited English proficiency. Written materials include electronic documents and web-sites.

“Vital Documents” are documents that convey information that critically affects the ability of the recipient/customer to make decisions about his/or

her participation in the program. Examples of vital documents include but are not limited to: applications, public notices, consent forms, letters containing important information regarding participation in a program, eligibility rules, notices pertaining to the reduction, denial or termination of services or benefits, right to appeal, notices advising of the availability of language assistance, and outreach and community education materials. It is recommended that divisions develop criteria for deciding which documents are vital thereby subject to translation.

Translating documents to a fourth (4<sup>th</sup>) grade literacy level ensures the targeted audience understands the information. Community based organizations or focus groups can assist with testing translations for language and literacy level appropriateness.

### **5. TRAINING**

Training staff on policies and procedures of language assistance and how to determine whether a customer needs language assistance services is essential to bridging the gap between policies and actual practices. Training should include how to obtain language assistance services and communication with interpreters and translators. Because LEP persons can file a complaint on the basis of national origin, staff should be trained on how to properly handle a Title VI complaint. Refer to Part VI of the Title VI Program Plan, Title VI and Related Statutes Complaint Process for a complete reference.

### **6. DEVELOPMENT OF WRITTEN PROCEDURES**

To implement a successful language assistance program, provide guidance to employees through written procedures that address the following:

- a. Identifying and assessing language needs
- b. Oral language assistance; including vendor charges for services, procedures on how to access and to request Department translation assistance
- c. Written translation of materials and publications
- d. Oral and written notification of the availability of language assistance
- e. Staff training on language service provision
- f. Monitoring access to language assistance

### **7. MONITORING AND EVALUATION**

Monitoring and evaluating accessibility and quality of language assistance needs of LEP persons ensures that LEP persons can meaningfully access programs and activities and is the responsibility of the divisions. At a minimum, divisions should conduct an annual assessment to determine: the current LEP composition of its service area; the current communication



needs of LEP persons; whether existing assistance meets LEP needs; whether staff is knowledgeable about policies and procedures and how to implement them; and whether sources of and arrangements for assistance are still current and viable. One mechanism for monitoring is to seek feedback from customers and advocates.

Data collection and record keeping are key to an effective monitoring and compliance system. Analysis of data collected provides an overview of how services are provided. Data collection mechanisms include the following, however keep in mind that when collecting data on race or ethnicity, this information is voluntary and should not include personal information such as name, address or phone number:

- race of LEP person
- ethnicity of LEP person
- primary language of the population in the program service area
- primary language of customers served
- data upon which the division based language needs assessment
- number of LEP persons, by language group, who received language services
- names and categories of staff who received training and training dates

### **LEP Criteria**

Following are factors for divisions to consider when determining what reasonable steps to take to provide LEP individuals with meaningful access to its programs, activities and services.

- A factor in determining the reasonableness of a programs/divisions efforts is the number or proportion of people who will be excluded from the program or activity absent efforts to remove language barriers.
- Consider the frequency of contact. Title VI obligations will differ for programs/divisions who have little contact with individuals who are LEP compared to a program/division who serves a large LEP population.
- Consider the available resources. A larger division with extensive resources may have to take greater steps than a smaller recipient with limited resources. On the premises translators may be appropriate in some circumstances, however, written translation, access to centralized interpreter language lines or other means may be appropriate in other situations.

- Costs must be factored into this balancing test as part of the consideration of “resources available.” “Reasonable steps” may cease to be reasonable where the costs imposed substantially exceed the benefits in light of the factors outlined in the U.S. Department of Justice (DOJ), LEP Guidance.

### **Guidance/Resources**

The following guidance documents and resources are provided to assist divisions with implementing LEP requirements and may be used in conjunction with this LEP Guidance Document.

- The U.S. Department of Transportation Guidance to Recipients on Special Language Services to Limited English Proficient Beneficiaries, Federal Register/Vol. 66, No. 14/Monday, January 22, 2001 (Civil Rights Title VI Program Resource Directory, Tab 29).
- The U.S. DOJ Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159/Wednesday, August 16, 2000.

<http://www.usdoj.gov/crt/cor/>

- U.S. Department of Justice Clarifying Memorandum, dated October 26, 2001

<http://www.usdoj.gov/crt/cor/lep/Oct26BackgroundQ&A.htm>

- State Personnel Board, Bilingual Services Program (916) 651-9017
- United States Census 2000 Language Identification Flashcard (attached)

### **Technical Assistance**

The Civil Rights, Title VI Program is responsible for providing divisions with technical assistance. This includes advising divisions of LEP requirements and its implementation, and assistance in developing individual division plans and mechanisms.

### **Compliance and Enforcement**

Deputy Directors and District Deputy Directors are responsible for ensuring that meaningful services to LEP persons are provided in their respective divisions and districts. Additionally, designated Title VI Program Area Administrators and District Title VI Liaisons will continuously monitor their respective divisions/districts to ensure LEP requirements are fulfilled and report annual accomplishments and upcoming goals relating to LEP activities to the Civil Rights Title VI Program.

In determining whether LEP compliance is met, the Title VI Program will assess whether the division's procedures allow LEP persons to overcome language barriers and participate in a meaningful way in the division's programs, activities and services. The division's appropriate use of methods and options detailed in this LEP Guidance document including analysis and documentation will be viewed as evidence of intent to comply with LEP requirements and Title VI of Civil Rights Act of 1964.

## VII. LIMITED ENGLISH PROFICIENCY

---



**LANGUAGE IDENTIFICATION FLASHCARD**

☐

املأ هذا المربع إذا كنت تقرأ أو تتحدث العربية.

Arabic

☐

խոսողուն՝ ենք նշում կատարեք այս քառակուսուն,  
կթեխ խոսուն՝ կամ կարդուն՝ եք հայերեն:

Armenian

☐

যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।

Bengali

☐

សូមញាកក្នុងប្រអប់នេះ បើអ្នកមាន ឬនិយាយភាសា ខ្មែរ ។

Cambodian

☐

Matka i kahhon komu un taitai pat un sang i Chamorro.

Chamorro

☐

如果您具有中文閱讀和會話能力，請在本空格內標上X記號。

Chinese

☐

Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen.

Creole

☐

Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.

Croatian (Serbo-Croatian)

☐

Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.

Czech

☐

Kruis dit vakje aan als u Nederlands kunt lezen of spreken.

Dutch

☐

Mark this box if you read or speak English.

English

☐

اگر خواندن و نوشتن فارسی بدرهستین، این مربع را علامت بگذارید.

Farsi

<input type="checkbox"/> Cocher ici si vous lisez ou parlez le français.	French
<input type="checkbox"/> Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	German
<input type="checkbox"/> Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	Greek
<input type="checkbox"/> अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस गोले पर चिह्न लगाएँ।	Hindi
<input type="checkbox"/> Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	Hmong
<input type="checkbox"/> Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	Hungarian
<input type="checkbox"/> Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	Ilocano
<input type="checkbox"/> Marchi questa casella se legge o parla italiano.	Italian
<input type="checkbox"/> 日本語を読んだり、話せる場合はここに印を付けてください。	Japanese
<input type="checkbox"/> 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	Korean
<input type="checkbox"/> ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	Laotian
<input type="checkbox"/> Zaznacz tę kratkę jeżeli czyta Pan/Pani lub mówi po polsku.	Polish
<input type="checkbox"/> Assinale este quadrado se voce lê ou fala Português.	Portuguese

<input type="checkbox"/> Însemnați această căsuță dacă citiți sau vorbiți Românește.	Romanian
<input type="checkbox"/> Пометьте этот квадратик, если вы читаете или говорите по-русски.	Russian
<input type="checkbox"/> Maka pe fa'ailoga le pusa lea pe afai e te faitau pe tusitusi i le gagana Samoa.	Samoan
<input type="checkbox"/> Обележите овај квадратик уколико читате или говорите српски језик.	Serbian (Serbo-Croatian)
<input type="checkbox"/> Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	Slovak
<input type="checkbox"/> Marque esta casilla si lee o habla español.	Spanish
<input type="checkbox"/> Markahan ang kahon na ito kung ikaw ay nagsasalita o nagbabasa ng Tagalog.	Tagalog
<input type="checkbox"/> ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	Thai
<input type="checkbox"/> Faka'ilonga'i 'ae puha ko'eni kapau 'oku te lau pe lea 'ae lea fakatonga.	Tongan
<input type="checkbox"/> Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	Ukrainian
<input type="checkbox"/> اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانہ میں نشان لگائیں.	Urdu
<input type="checkbox"/> Xin đánh dấu vào ô này nếu quý biết đọc và nói được Việt Ngữ.	Vietnamese
<input type="checkbox"/> צייכנט דעם קעסטל אויב איר שרייבט אדער ליינט אידיש.	Yiddish

## **NONDISCRIMINATION AGREEMENT**

**THE FEDERAL HIGHWAY ADMINISTRATION**

**DIVISION ADMINISTRATOR**

**AND**

**THE CALIFORNIA DEPARTMENT OF TRANSPORTATION**

The California Department of Transportation (hereinafter referred to as the “Recipient”) hereby agrees to comply with the following Federal statutes, U.S. Department of Transportation (U.S. DOT) and Federal Highway Administration (FHWA) Regulations, and the policies and procedures promulgated by the FHWA, as a condition to receipt of Federal funds.

### **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

Title VI of the Civil Rights Act of 1964 and related statutes provides that no person shall on the grounds of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds – whether schools and college, government entities, or private employers – must comply with Federal civil rights laws, rather than just the particular programs or activities that receive the funds.

Nondiscrimination programs require that Federal-aid recipients, subrecipients, and contractors prevent discrimination and ensure nondiscrimination in all of their programs and activities, whether those programs and activities are federally funded or not. If a unit of a State or local government is extended Federal-aid and distributes such aid to another governmental entity, all of the operations of the Recipient and subrecipient are covered. Corporations, partnerships, or other private organizations or sole proprietorships are covered in their entirety if such entity received Federal financial assistance (FHWA) Notice N 4720.6, September 2, 1992.



Nondiscrimination Agreement  
Page 2

**ASSURANCES**

**49 CFR PART 21.7**

The Recipient HEREBY GIVES ASSURANCES

1. That no person shall on the grounds of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the Recipient regardless of whether those programs and activities are Federally funded or not. Activities and programs which the Recipient hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:

**ALL PROGRAMS AND ACTIVITIES OF THE RECIPIENT**

2. That it will promptly take any measures necessary to effectuate this agreement.
3. That each program, activity, and facility as defined at 49 CFR 21.23(b) and (e), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.
4. That these assurances are given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the FHWA under the Motor Carrier Safety Assistance Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Motor Carrier Safety Assistance Program. The person or persons whose signatures appear below are authorized to sign these assurances on behalf of the Recipient.

That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Motor Carrier Safety Assistance programs and, in adapted form all proposals for negotiated agreements:

### Nondiscrimination Agreement Page 3

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, U.S. DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. DOT issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, or disability in consideration for an award.

5. That the Recipient shall insert the clauses of Appendix A of this agreement in every contract subject to the Act and the Regulations.
6. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this agreement.

## IMPLEMENTATION PROCEDURES

### 23 CFR PART 200

This agreement shall serve as the Recipient's Title VI Plan pursuant to 23 CFR 200.

For the purpose of this agreement, "Federal Assistance" shall include:

1. Grants and loans of Federal funds,
2. The grant or donation of Federal property and interest in property,
3. The detail of Federal personnel,
4. The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the Recipient, or in recognition of the public interest to be served by such sale or lease to the Recipient, and

### Nondiscrimination Agreement

Page 4

5. Any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

The Recipient shall:

1. Issue a policy statement, signed by the head of the Recipient, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by the Federal Highway Administration within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the Recipient shall be held responsible for implementing Title VI requirements.
3. Establish a civil rights unit and designate a coordinator who has a responsible position in the organization and easy access to the head of the Recipient. This unit shall contain a Title VI Equal Employment Opportunity Coordinator or a Title VI Specialist, who shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
4. Adequately staff the civil rights unit to effectively implement the civil rights requirements.
5. Process complaints of discrimination consistent with the provisions contained in this agreement. Civil rights personnel trained in discrimination complaint investigations shall conduct investigations. Identify each complainant by race, color, national origin, sex, age, disability; the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the Recipient's report of investigation, will be forwarded to the Federal Highway Administration, California Division within 60 days of the date the complaint was received by the Recipient. Complaints pertaining to the program and activities of the Motor Carrier Safety Assistance Program shall be forwarded to the Office of Motor Carrier Safety.

### Nondiscrimination Agreement

Page 5

6. Collect statistical data (race, color, national origin, sex, age, and disability) of participation in and beneficiaries of the programs and activities conducted by the Recipient.
7. Conduct Title VI reviews of the Recipient and subrecipient contractor program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
8. Conduct training programs on Title VI and related statutes.
9. Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.

#### (a) Accomplishment Report

List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Specialist and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews conducted by the Title VI Specialist. List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the Recipient.

#### (b) Annual Work Plan

Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.

Nondiscrimination Agreement  
Page 6

**SANCTIONS**

In the event the Recipient fails or refuses to comply with the terms of this agreement, the FHWA may take any or all of the following sanctions:

- (a) Cancel, terminate, or suspend this agreement in whole or in part.
- (b) Refrain from extending any further assistance to the Recipient under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Recipient.
- (c) Take such other action that may be deemed appropriate under the circumstances, until the Recipient has accomplished compliance or remedial action.
- (d) Refer the case to the U.S. Department of Justice for appropriate legal proceedings.

**SIGNED FOR THE RECIPIENT:**



JEFF MORALES

Director

California Department of Transportation

Date

**CALIFORNIA DEPARTMENT OF TRANSPORTATION  
TITLE VI ASSURANCE**

The California Department of Transportation (hereinafter referred to as the “Recipient”) HEREBY AGREES, THAT as a condition to receiving any Federal financial assistance from the United States Department of Transportation (hereinafter referred to as U.S. DOT), it will comply with Title VI of the Civil Rights Act of 1964, and related statutes so that no person on the grounds of race, color, national origin, sex, age, or disability will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7(a) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to all programs or activities for which the Recipient receives Federal financial assistance:

1. It is agreed that each “program” and each “facility” as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. The following notification shall be inserted in all solicitations for bids for work or material subject to the Regulations and made in connection with all programs and, in adapted form in all proposals for negotiated agreements:

*The California Department of Transportation in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the U.S. Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.*

3. The clauses of Appendix A of this assurance shall be included in every contract subject to this Act and Regulations.
4. The clauses of Appendix B of this assurance shall be inserted, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. This assurance extends to the entire facility and facilities operated in connection therewith where the Recipient receives Federal financial assistance to construct a facility, or part of a facility.
6. Where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. The appropriate clauses set forth in Appendix C of this assurance shall be included as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties:
  - (a) for the subsequent transfer of real property acquired or improved under all federally-assisted programs of the U.S. DOT; and
  - (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under Federally-assisted programs of the U.S. DOT.
8. This assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structure or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods:
  - (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - (b) the period during which the Recipient retains ownership or possession of the property.

## NONDISCRIMINATION AGREEMENT AND STATE ASSURANCES

---

9. Methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.
10. It is agreed that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the U.S. DOT under all programs and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in all programs. The person(s) whose signature appears below is authorized to sign this assurance on behalf of the Recipient.



---

JEFF MORALES  
Director  
California Department of Transportation

---

Date

Attachments: Appendices A, B and C



## APPENDIX A TO TITLE VI ASSURANCE

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

### **1. Compliance with Regulations:**

The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the U.S. DOT Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

### **2. Nondiscrimination:**

The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

### **3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment:**

In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials of leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or disability.

### **4. Information and Reports:**

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Recipient or the FHWA as appropriate and shall set forth what efforts it has made to obtain the information.

### **5. Sanctions for Noncompliance:**

In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, the Recipient shall impose contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to the contractor under the contract until the contractor complies and/or
- b. Cancellation, termination, or suspension of the contract, in whole or in part.

### **6. Incorporation of Provisions:**

The contractor shall include the provisions of paragraph (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Recipient to enter into such litigation to protect the interests of the Recipient, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## APPENDIX B TO TITLE VI ASSURANCE

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property structures or improvements thereon, or interest therein from the United States.

### GRANTING CLAUSE

NOW, THEREFORE, the U.S. DOT, as authorized by law, and upon the condition that the Recipient will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, U.S.C., the Regulations for the Administration of the above statute, and the policies and procedures prescribed by the FHWA of the U.S. DOT and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. DOT Subtitle A Office of the Secretary, Part 21, Nondiscrimination in Federally -Assisted Programs of the U.S. DOT (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Recipient all the right, title and interest of the U.S. DOT in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

### HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the Recipient and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Recipient, its successors and assigns.

The Recipient, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that

- (1) no person shall on the grounds of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed, and<sup>1</sup>
- (2) that the Recipient shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the U.S. DOT - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and

- (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the U.S. DOT shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the U.S. DOT and its assigns as such interest existed prior to this instruction.<sup>1</sup>

### APPENDIX C TO TITLE VI ASSURANCE

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Recipient, pursuant to the provisions of Assurance 7 (a).

The (grantee, licensee, lessee, permittee, etc, as appropriate) for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add “as a covenant running with the land”) that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. DOT program or activity is extended or for another purpose involving the provision of similar services or benefits the (grantee, license, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, U.S. DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the U.S. DOT - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

#### **INCLUDE IN LICENSES, LEASES, PERMITS, ETC.<sup>1</sup>**

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities therein, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

#### **INCLUDE IN DEEDS<sup>1</sup>**

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall hereupon revert to and vest in and become the absolute property of the Recipient and its assigns.

---

<sup>1</sup> Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by (Name of Recipient) pursuant to the provisions of Assurance 7 (b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in case of deeds, and leases add “as a covenant running with the land”) that

- (1) no person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- (2) in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination.
- (3) the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. DOT, Subtitle A, Office of the Secretary, Part 21 Nondiscrimination in Federally-Assisted Programs of the U.S. DOT - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

### **INCLUDE IN LICENSES, LEASES, PERMITS, ETC.<sup>1</sup>**

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

### **INCLUDE IN DEEDS<sup>1</sup>**

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Recipient and its assigns.

---

<sup>1</sup> Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

**PROGRAM AREA ADMINISTRATORS**

This list identifies Department divisions that provide a service or perform work that directly impacts the public and provides a contact person and phone number for each area.

<b>Division</b>	<b>Name</b>	<b>Telephone Number/Email</b>
Aeronautics	Leslie Snow	(916) 654-4380 Leslie_Snow@dot.ca.gov
Civil Rights	Olivia Fonseca	(916) 227-9418 Oliva_Fonseca@dot.ca.gov
Construction	Mike Kissel	(916) 653-2467 Michael_Kissel@dot.ca.gov
Design	George Hunter	(916) 653-3538 George_Hunter@dot.ca.gov
Engineering Services	Jean Robins	(916) 227-6228 Jean_Robins@dot.ca.gov
Environmental Analysis	Peter Bond	(916) 657-3452 Peter_Bond@dot.ca.gov
Local Assistance	Eugene Shy	(916) 651-6552 Eugene_Shy@dot.ca.gov
Maintenance	Sherry Liberty	(916) 651-2002 Sherry_Liberty@dot.ca.gov
Mass Transportation	Antonio Ortiz	(916) 654-9495 Antonio_Ortiz@dot.ca.gov
New Technology and Research	Dawn Barnard-Dingman	(916) 654-9973 Dawn_Barnard-Dingman@dot.ca.gov
Procurement and Contracts	Cynthia Duey	(916) 227-6098 Cynthia_Duey@dot.ca.gov
Project Management	Ginger Williford	(916) 654-5395 Ginger_Williford@dot.ca.gov

## PROGRAM AREA ADMINISTRATORS

---

Division	Name	Telephone Number/Email
Rail	Ken Galt	(916) 654-7076 Ken_Galt@dot.ca.gov
Right of Way	Roxanne Van Natta	(916) 654-2796 Roxanne_Van Natta@dot.ca.gov
Traffic Operations	Alex Kennedy	(916) 653-0096 Alex_Kennedy@dot.ca.gov
Transportation Planning	Vicki Cobb	(916) 651-6887 Vicki_Cobb@dot.ca.gov

## EQUAL OPPORTUNITY OFFICERS/TITLE VI LIAISONS LIST

---

### EQUAL OPPORTUNITY OFFICERS/ TITLE VI LIAISON LIST

#### **District 1**

Jennifer Tipton, EO Office/Title VI Liaison  
1656 Union Street  
Eureka, CA 95501  
(707) 441-5851

#### **District 2**

Sheryl Haggard, EO Officer/Title VI Liaison  
1657 Riverside Drive  
Redding, CA 96001  
(530) 225-3425

#### **District 1, 2, 3**

Vicky Matthews, EO Officer/Title VI Liaison1  
703 B Street  
Marysville, CA 95901  
(530) 741-7130

#### **District 4**

Linda Wells, EO Officer  
George Crosby, Title VI Liaison  
111 Grand Avenue  
Oakland, CA 94612  
(510) 286-5871

#### **District 5**

Jenny Linzner, EO Officer/Title VI Liaison  
50 Higuera Street  
San Luis Obispo, CA 93401  
(805) 549-3037

#### **District 5, 6, 9 and 10**

Lee Garcia, EO Officer1  
Steve Diaz, Title VI Liaison  
1352 W. Olive Avenue  
Fresno, CA 93728  
(209) 444-2522

#### **District 7**

Irene Coyazo, EO Officer  
Dorothy Oswake, Title VI Liaison  
120 S. Spring Street, Room 54  
Los Angeles, CA 90012  
(213) 897-0797

#### **District 8**

Barbara Corbin, EO Officer  
Darlene Lott, Title VI Liaison (Asst)  
464 West 4th Street  
San Bernardino, CA 92401  
(909) 383-4229

#### **District 9**

Denise Green, EO Officer/Title VI Liaison  
500 S. Main Street  
Bishop, CA 93514  
(760) 872-0752

#### **District 10**

Julie Campero,EO Officer/Title VI Liaison  
1976 E. Charter Way  
Stockton, CA 95201  
(209) 948-3911

#### **District 11**

Susie Baza, EO Officer  
Yvonne Willis, Title VI Liaison  
2829 Juan Street  
San Diego, CA 92110  
(619) 688-4249

#### **District 12**

Pam Gorniak, EO Officer/Title VI Liaison  
3347 Michaelson Drive Room CN 380  
Irvine, CA 95612-1692  
(949) 724-2021



## EQUAL OPPORTUNITY OFFICERS/TITLE VI LIAISONS LIST

---

**STATUTE REGULATION/POLICY REFERENCE**

- 23 CFR 200.9(b) (3)* “Develop procedures for prompt processing and disposition of Title VI and Title VIII complaints received directly by the State and not by FHWA.” (Complaint Process)
- 23 CFR 200.9(b) (4)* “Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of State highway programs, i.e., relocatees, impacted citizens and affected communities.” (Data Collection)
- 23 CFR 200.9(b) (5)* “Develop a program to conduct Title VI reviews or program areas.” (Monitoring Mechanism)
- 23 CFR 200.9(b) (6)* “Conduct annual reviews of special emphasis program areas to determine the effectiveness or program area activities at all levels.” (Compliance Reviews)
- 23 CFR 200.9(b) (7)* “Conduct Title VI review of cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies, and other recipients of Federal-aid highway funds.” (Subrecipient Compliance Reviews)
- 23 CFR 200.9(b) (8)* “Review State program directives in coordination with State Program officials and where applicable, include Title VI and related requirements.”
- 23 CFR 200.9(b) (12)* “Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.” (Caltrans and You, Your Rights Under Title VI and related statutes brochure)
- 23 CFR 200.9(b) (13)* “Establishing procedures for pregrant and postgrant approval reviews of State programs and applicants for compliance with Title VI requirements; i.e., highway location, design and relocation, and persons seeking contracts with the State.” (Grant program monitoring and review)
- 23 CFR 200.9(b) (14)* “Establish procedures to identify and eliminate discrimination when found to exist.” (Monitoring, analyzing and eliminating deficiencies)
- 49 CFR 21.5(b) (7)* “...Even in the absence of prior discriminatory practice or usage, a recipient in administering a program or activity to which this part applies, is expected to take affirmative action to assure that no person is excluded from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin.” (Public involvement and other proactive measures)

<i>49 CFR 21.9(b)</i>	<p>“Compliance reports. Each recipient shall keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligation under this part. In general recipients should have available for the Secretary racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.”</p> <p>(Documentation, Data Collection)</p>
<i>Executive Order 12898</i>	<p>Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. (Environmental Justice)</p>
<i>Executive Order 13166</i>	<p>Improving Access to Services for Persons with Limited English Proficiency. (Interpreters/Translation)</p>

### NOTICE TO PUBLIC

U.S. Department of Justice regulations, 28 Code of Federal Regulations, Section 42.405, Public Dissemination of Title VI Information, require recipients of Federal financial assistance to publish or broadcast program information in the news media. Advertisements must state that the program is an equal opportunity program and/or indicate that Federal law prohibits discrimination. Additionally, reasonable steps shall be taken to publish information in languages understood by the population eligible to be served or likely to be directly affected by the program. Following is a sample public notice used by the California Department of Transportation.

California Department of Transportation hereby gives public notice that it is the policy of the Department to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. It is our policy that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of or be otherwise subjected to discrimination under any of our programs or activities.

Any person who believes they have been subjected to unlawful discriminatory practice under Title VI has a right to file a formal complaint. Any such complaint must be filed in writing or in person with California Department of Transportation, Civil Rights, Office of Equal Opportunity, DCIU, 1820 Alhambra Blvd, MS 79, Sacramento, CA 95816, within one hundred-eighty (180) days following the date of the alleged discriminatory action.



### REGIONAL TRANSPORTATION PLAN GUIDELINES CHECKLIST

The Regional Transportation Plan (RTP) Guidelines are developed to provide guidance to all 43 Regional Transportation Planning Agencies (RTPAs). However, there is a wide range of geographic sizes and populations of these agencies. (The following population data is from the Department of Finance, January 1999) For example, population figures ranges from 1,190 (Alpine County) to 16,545,100 (Southern California Association of Governments (SCAG)). Geographic sizes ranges from 592.6 square miles (Amador County) to 38,140.7 square miles (SCAG).

The Metropolitan Transportation Commission (MTC), a nine county Metropolitan Planning Organization (MPO), covers 6,922.9 square miles and has a population of 6,784,700. Inyo County Local Transportation Commission, a small non-urban RTPA has a land area of 10,192 square miles with a population of 18,250. The Amador County Transportation Commission, the smallest RTPA with a land area of 593 square miles, has a population of 34,050.

In addition to size and population differences, air quality issues affect the transportation planning process. For example, most large areas are subject to federal conformity requirements due to present or past violations of air quality standards. Those with serious and worse designations are subject to additional requirements with respect to plan specificity and analytical requirements.

Generally, the RTPs for the smaller rural regions reflect a far less complex transportation system and therefore are less complex than the major metropolitan regions. Whatever the area size, population and air quality issues, each region determines the complexity of its transportation planning requirements by the development of its RTP.

These Guidelines are developed to address all aspects of developing a Regional Transportation Plan. Each RTPA has the responsibility of choosing those planning components that facilitate the development of a plan that best meets the needs of their specific region and supports project justification for inclusion in the Regional Transportation Improvement Program (RTIP).

To establish a minimum standard for developing the Regional Transportation Plan, a checklist of transportation planning requirements has been developed. Appendix A includes this Checklist and also includes a summary of the statutory requirements and recommendations in the guidelines that have been established by State, federal legislation and the California Transportation Commission.

Government Code Section 14032(a) authorizes the CTC to request an evaluation of all Regional Transportation Plans statewide to be conducted by Caltrans. This evaluation should include an analysis of the areas listed in Appendix D.

To assist Caltrans in its evaluation of the Regional Transportation Plans, the Checklist should be completely filled out and submitted with the adopted RTP.

**Planning Requirements**

**REGIONAL TRANSPORTATION PLAN CHECKLIST**

<b><u>A. Regional Transportation Plan Components</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>
1. Provides a coordinated and balanced transportation system.	<input type="checkbox"/>	<input type="checkbox"/>
2. Is action oriented.	<input type="checkbox"/>	<input type="checkbox"/>
3. Contains a short-term (10-year) time horizon	<input type="checkbox"/>	<input type="checkbox"/>
4. Contains a long-term (20-year) time horizon	<input type="checkbox"/>	<input type="checkbox"/>
5. Includes a Policy Element.	<input type="checkbox"/>	<input type="checkbox"/>
6. Includes an Action Element.	<input type="checkbox"/>	<input type="checkbox"/>
7. Includes a Financial Element.	<input type="checkbox"/>	<input type="checkbox"/>
8. The RTP of the MPO considers strategies to meet the seven planning factors specified in Title 23, 134(f) of the U.S. Code.	<input type="checkbox"/>	<input type="checkbox"/>
9. The RTP conforms to the State Implementation Plan (SIP).	<input type="checkbox"/>	<input type="checkbox"/>
10. The RTP of the MPO is consistent with the Civil Rights Act as identified in Title 23, CFR Sec. 450.31 6(b) (2).	<input type="checkbox"/>	<input type="checkbox"/>
11. The RTP of the MPO identifies actions necessary to meet the ADA as identified in Title 23, CFR Sec. 450.316(b) (3).	<input type="checkbox"/>	<input type="checkbox"/>
12. The RTP of the MPO considers, analyzes and reflects the social and environmental effects including housing, employment, community development, land use, central city development goals, etc.	<input type="checkbox"/>	<input type="checkbox"/>

**Comments / Explanations:**

---



---

<b><u>B. Public Involvement</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>
1. The RTP of the MPO includes a public involvement program that meets the requirements of Title 23, CFR Sec. 450.316(b) (1).	<input type="checkbox"/>	<input type="checkbox"/>
2. The RTP for a nonattainment area is based on consultation with air and environmental agencies and the public during all stages of development.	<input type="checkbox"/>	<input type="checkbox"/>

## REGIONAL TRANSPORTATION PLAN GUIDELINES CHECKLIST

---

### **B. Public Involvement (continued)**

**Yes**      **No**

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 3. Where there are Native American Tribal Governments within the RTP boundaries, the tribal concerns have been addressed and the Plan was developed in cooperation with the tribal Government(s) and the Secretary of the Interior (Bureau of Indian Affairs)- (Title 23, CFR Sec. 134, 135(e)). | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The RTP includes opportunities for citizen involvement in the early stages of plan development.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. The RTP for a nonattainment area identifies consultation with air agencies on the development of the plan.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. The RTP for a nonattainment area reflects coordination with local and regional air quality planning authorities.  | <input type="checkbox"/> | <input type="checkbox"/> |

**Comments / Explanations:**

---

---

### **C. Policy Element**

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 1. Describes the transportation issues in the region.                        | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Identifies regional needs.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Maintains internal consistency with the financial element fund estimates. | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Has objectives linked to the 10-year time frame.                          | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Has objectives linked to the 20-year time frame.                          | <input type="checkbox"/> | <input type="checkbox"/> |

**Comments / Explanations:**

---

---

### **D. Action Element**

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 1. Addresses needs.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is consistent with the adopted regional transportation goals. | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Is consistent with the regional transportation policies.      | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Is consistent with the financial constraints.                 | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Conforms to the revenues identified in the Financial Element. | <input type="checkbox"/> | <input type="checkbox"/> |



## REGIONAL TRANSPORTATION PLAN GUIDELINES CHECKLIST

---

### **D. Action Element (continued)**

**Yes**      **No**

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 6. Conforms to the costs in the Financial Element.         | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Includes a discussion of Highways.                      | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Includes a discussion of Mass Transportation.           | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Includes a discussion of Aviation Transportation.       | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Includes a discussion of pedestrian needs.             | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Includes a discussion of non motorized transportation. | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Includes a discussion of Rail Transportation.          | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Includes a discussion of Maritime Transportation.      | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Includes a discussion of Goods Movement.               | <input type="checkbox"/> | <input type="checkbox"/> |

**Comments / Explanations:**

---

---

---

### **E. Consistency Requirement**

**Yes**      **No**

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 1. The first four years identified in the Financial Element is consistent with the four-year STIP fund estimates adopted by the CTC. | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. The Goal Statements are consistent with the Financial Element.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The Policy Statements are consistent with the Financial Element.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The Objective Statements are consistent with the Financial Element.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. The projects included in the ITIP are consistent with the RTP.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. The projects included in the RTIP are consistent with the RTP.  | <input type="checkbox"/> | <input type="checkbox"/> |

**Comments / Explanations:**

---

---

---

## REGIONAL TRANSPORTATION PLAN GUIDELINES CHECKLIST

---

### **Performance Measurement**

**Yes**

**No**

1. Includes objective criteria for measuring system outcomes.

☐☐

**Comments / Explanations:**

---

---

---

### **G. Environmental Considerations**

1. Contains the appropriate environmental documentation.
2. Discusses the way the plan will conform to the State Implementation Plan including TCM implementation.
3. RTPs for nonattainment areas document coordination with the ARB to ensure conformity with the SIP.

☐☐☐☐☐☐

**Comments / Explanations:**

---

---

---

### **H. Supporting Data**

1. The RTP includes or identifies supporting documents.

☐☐

**Comments / Explanations:**

---

---

---

**“SHALLS”**  
**(Required by State or Federal Legislation/Regulations)**

**A. Regional Transportation Plan Components**

1. Each transportation planning agency shall (Government Code 65080) prepare and adopt a Regional Transportation Plan directed at achieving a coordinated and balanced regional transportation system.
2. The RTP shall (Government Code 65080) be action oriented and pragmatic, considering both the short-term and long-term time periods.
3. The RTP shall (Government Code 65080) include the following components:
  - Policy Element
  - Action Element
  - Financial Element
4. The RTP shall (Government Code 65080 (c)) demonstrate consistency with federal and other planning and programming requirements.
5. The RTP shall (Government Code 65080.5) consider strategies that meet the planning factors specified in Title 23, CFR Sec. 134(f).
6. The RTP shall (Title 42, Sec. 7506 (c) (2), (Title 40, CFR Sec.93.100-128), (Title 23, CFR Sec. 450.322(d)) conform to the State Implementation Plan (SIP) in federal nonattainment and maintenance areas, which includes meeting emissions limitations, implementing TCMs and meeting analytical and procedural requirements.
7. In serious and worse nonattainment areas, land use and growth assumptions shall (Title 40, CFR Sec. 93.122(b)) be documented and compared with historical trends and must show consistency between transportation alternatives and land use projections for different options.
8. The RTP of the MPO shall (Title 23, CFR Sec. 450.316(b) (2)) be consistent with the Civil Rights Act.
9. The RTP of the MPO shall (Title 23, CFR Sec. 450.316(b) (3)) identify actions necessary to meet the American Disabilities Act (ADA).
10. The RTP of the MPO shall (Title 23, CFR Sec. 450.316(a) (4) and (13)) analyze and reflect the social and environmental effects of transportation decisions including housing, employment, community development, land use, central city development goals, etc.

### **B. Updating the Regional Transportation Plan**

If the RTP is updated or amended, a new conformity determination, where applicable, shall (Title 40, CFR Sec. 93.102) and (Title 23, CFR Sec. 450.322 (d)) be done at each update.

### **C. Public Involvement / Coordination / Consultation**

1. Each RTP shall (Title 23, CFR Sec. 134 (g) (4)), (Title 23, CFR Sec. 135 (e)) and (Title 23, CFR Sec. 450.316(b)(1) have a public involvement program.
2. The RTP shall (Title 23, CFR Sec. 450.316(a)(13)) reflect consultation with resource and permit agencies to ensure early coordination ,with environmental protection.
3. The RTP shall (Title 23, USC Sec. 450.316(b)(8)) include opportunities for citizen involvement in early stages of plan development.
4. The RTP for a nonattainment or maintenance area shall (Title 40, CFR Sec. 93.105b)) reflect consultation with air agencies concerning the development of the plan.
5. The RTP for a nonattainment area or maintenance area shall (Title 23, Sec 134 (g) (3)) be developed in coordination with local and regional air quality planning authorities.

### **D. Policy Element**

1. Each RTP shall (Government Code 65080 (b)) include a Policy Element that: (l) describes the transportation issues in the region, (2) identifies and quantifies regional needs expressed within Element fund estimates.
2. Legislation requires that the objectives shall (Government Code 65080(b)(1)) be linked to a time specific period for implementation, namely short-range and long-range time frame.

### **E. Action Element - Analysis**

The Action Element shall (Title 23, USC Sec. 1 34(f)) provide for consideration of projects and strategies that protect and enhance the environment.

### **F. Action Element - Conclusion**

1. The Action Element shall (Government Code 65080(a)) address identified issues and needs, be consistent with adopted regional transportation goals and policies, conform to state and federal mandates (e.g. TEA 21 planning factors), and be consistent with the financial constraints identified in the Financial Element.
2. The Action Element alternatives shall (Title 23, USC Sec. 1 34(f)) shall consider the overall social, economic, energy, and environmental effects of transportation decisions.

### **F. Action Element- Conclusion (continued)**

3. The Action Element shall (Government Code 65080 (b) (1)) conform to projected revenues and costs in the Financial Element.
4. Each RTPA shall (Government Code 65080(a)) include discussion of areas listed under "Transportation Strategies" as appropriate to the region.
5. Bicycle facilities and pedestrian walkways shall (Title 23, Sec.135 (a) and Title 23 CFR Sec. 450.322 (b)(3)) be identified in conjunction ,with all new construction and reconstruction of transportation facilities.
6. Transportation plans and projects shall (Title 23, Sec. 135(c)(3)) consider safety and contiguous routes for bicyclists and pedestrians.

### **G. Consistency Requirement**

1. The first four years of the Financial Element shall (Government Code 14525 - as Per SB 45) be consistent with the STIP Fund Estimate adopted by the CTC.
2. The Goal, Policy and Objective statements shall (Government Code 65080(b)(1)) be consistent with the Financial Element.
3. Projects included in the ITIP and RTIP shall (Government Code 65080) be consistent with the RTP.

### **H. Environmental Considerations**

1. The adoption, revisions or amendment of an RTP shall comply with CEQA (Public Resource Code 21000)
2. The CEQA document shall (Public Resource Code 21000) address specific issues.
3. The RTP shall (Title 23, CFR Sec. 450.322(n)(3)) discuss the way in which the plan will conform to the State Implementation Plan including Transportation Control Measures implementation.
4. All RTPAs in nonattainment or maintenance areas shall (Title 23, CFR Sec.322 (d)) coordinate their RTP development with Air Resources Board to insure conformity with the SIP.
5. In all nonattainment and maintenance areas the RTP shall (Title 40, CFR Sec. 93.106) describe the system in enough detail to allow a conformity determination to be made.

### **H. Environmental Considerations (continued)**

6. Title 40, CFR Sec. 93.106 requires that in metropolitan areas the plan describes the proposed transportation system in the last year of the plan, any attainment years, have no more than 10 years between years for which the system is described, and describe the system no more than 10 years from the base year used to validate the model. Title 40, CFR Sec. 93.106 specifies the level of detail needed. The plan shall also document planning factors for those years.

### **I. Supporting Data**

Supporting and additional information or special studies not included in the plans shall (Government code 14032) be made available to the California Transportation Commission and Caltrans upon request.

**“SHOULD”**

**(Recommended by the California Transportation Commission)**

**A. Regional Transportation Plan Components**

1. The RTP should include the following:
  - Executive Summary - The RTP should provide a regional perspective, and identify the challenges and transportation objectives to be achieved.
  - Needs Assessment - Part of the assessment should be transportation performance objectives and anticipated outcomes.
  - Reference to environmental and air quality documentation.
2. The RTP should be internally consistent.
3. The Policy, Action and Financial Elements should reflect and support all plan project recommendations.
4. All projects should result from the Policy, Action, and Financial Elements.
5. The RTP should acknowledge and reflect external consistency with other adopted plans and programs that impact the regional transportation system.
6. The RTP should describe the planning assumptions and methodology used to analyze and prioritize transportation improvements.

**B. Regional Transportation Planning Process**

1. In preparing an RTP, the RTPA should convey to all stakeholders the complex nature of the Regional Transportation Planning Process.
2. The plan should demonstrate consistency with other plans and programs of regional significance.

**C. Public Involvement**

1. The RTP should: document the public involvement program, articulate the efforts made to maintain it, identify participating groups, and document efforts to recruit and facilitate a broad range of community representation.
2. RTPAs should consider the use of electronic transmission (such as the Internet, e-mail, and dedicated web-sites) and other methods to economically and efficiently communicate planning schedules, information, and products to all interested parties.

### **C. Public Involvement (continued)**

3. The public involvement program should have a reasonable opportunity for: private and public operators of transit and freight, tribal governments, communities, the general public and other interested/affected parties to participate early in the RTP development process.

### **D. Coordination/Consultation**

1. Each RTPA should coordinate its regional transportation planning activities with all transportation providers, appropriate federal, State, and local agencies, environmental resource agencies, air districts and adjoining RTPAs.
2. The RTP should follow early coordination procedures outlined by the NEPA/404 Memorandum of Understanding with federal agencies to integrate the requirements of NEPA and Section 404 of the Clean Water Act and become partners in the NEPA / 404 process.
3. The RTPA should be certain that the circulation plans of the general plans within their regions are consistent with their RTPs. The RTPs should also be consistent with regional transportation plans in adjacent regions.

### **E. Performance Measurement**

Each RTPA should define a set of “program level” transportation system performance measures, which reflect the goals and objectives adopted in the RTP.

### **F. Executive Summary**

1. A concise executive summary should be prepared as an introductory chapter to identify the most significant aspects of the RTP.
2. The Executive Summary should clearly and concisely describe the needs, alternatives, and selected actions of the plan and its overall transportation goals.
3. The Executive Summary should include summary descriptions listed in the guidelines.

### **G. Policy Element**

1. The Policy Element should clearly convey the transportation policies of the region.
2. The Policy Element discussion should: (1) relay how these policies were developed, (2) identify any significant changes in the policies from the previous plans, and (3) provide the reasons for any changes in policies from previous plans.



### **G. Policy Element (continued)**

3. The Policy Element should clearly convey the transportation policies of the region.
4. The Policy Element discussion should: (1) relay how these policies were developed, (2) identify any significant changes in the policies from the previous plans, and (3) provide the reasons for any changes in policies from previous plans.
5. Issues that should be considered in the Policy Element are listed in Appendix D, page D-S.
6. Each Policy Element objective should be linked to the needs identified in the RTP as a means of strengthening the linkage between statewide system planning and ultimate project implementation.

### **H. Action Element - Analysis**

The Action Element should also identify the investment strategies, alternatives, and project priorities beyond what is already programmed. Aside from the accent on specific transportation modes, the Action Element should include a detailed discussion of transportation determinants. Determinants may include physical capacity constraints, transportation and land use coordination, information technology, etc.

### **I. Action Element - Assumptions**

1. The assumptions should be clearly and concisely presented.
2. Areas that should be addressed in the Assumptions are listed in Appendix D, page D-6.

### **J. Action Element - Analysis, Needs and Scenarios**

1. RTPAs should work cooperatively with adjacent jurisdictions where air or water quality has potential impact on the transportation system.
2. The issues that should be examined for each modal strategy are listed in Appendix D, page D-1.
3. The RTP should discuss how the transportation planning needs were determined.

### **K. Action Element - Analysis, Forecasting**

1. Forecasting should address population (including migration and immigration), households, employment, income, land use changes and growth, and traffic forecasts.
2. Projections should be based upon available data (such as from the Bureau of the Census), use acceptable forecasting methodologies, and be consistent with the Department of Finance baseline projections for the region.
3. The RTP should identify and discuss any differences between the RTPA projections and those of the Department of Finance.

### **L. Action Element - Analysis Alternatives**

1. The location of sensitive environmental resources should be factored into the planning analysis.
2. From the identified alternatives, a “ranking” process, using specific criteria that includes environmental protection and stewardship issues should be used to ascertain the preferred alternative.
3. An extensive list of criteria presented in Appendix D, page D-7 should be considered to evaluate the options of alternative packages of transportation improvements.
4. RTPs should not include projects that have significant adverse safety impacts for bicyclists or pedestrians, or that sever major routes for nonmotorized transportation without providing reasonable alternate routes.

### **M. Action Element - Planning Analysis**

1. The type of analysis used should be clearly discussed in the RTP.
2. The specific planning analysis should rely on a logical evaluation process using performance objectives versus forecasted performance to identify transportation needs and deficiencies.
3. The analysis should evaluate the specific improvements or strategies on a corridor, sub-regional or regional basis in order to be consistent with the plan goals and policies and accomplish the RTP objectives. (Environmental issues need to be addressed mainly at the regional level, since they are primarily regional or larger in scope: air pollution, water pollution, solid and hazardous waste generation, resource consumption, ozone depletion, climate change emissions, loss of habitat, loss of open space, visibility, noise, etc. This is the level at which alternatives can be developed which maximize environmental protection and enhancement while also minimizing transportation problems).
4. The alternative strategies, modes and combinations of modes should be evaluated as a coherent system. All transportation modes should be addressed in the planning analysis. Appendix D, page D-8 provides a list of areas that the RTP planning analysis should consider.
5. The planning analysis should have enough detail to document each transportation project’s purpose and need.

### **N. Action Element - Conclusion**

1. The Action Element should: (1) establish an integrated set of actions utilizing transportation demand management strategies and system management strategies, (2) include multi-modal enhancements intended to maintain and improve the system, (3) increase operational efficiency and productivity, and (4) achieve a coordinated and balanced regional transportation system.
2. Projects should be listed with sufficient information to enable geographic display, such as specifying route number or county road name, and beginning/ending post mile, or main facility address (street) and cross-street.

### **O. Linkages**

1. The identified actions should be defined with enough specificity of purpose, need, design concept and scope to aid in the development of programs.
2. The RTP should also identify and incorporate other State and local transportation plans and programs as appropriate.
3. All major transportation projects and minor projects should be understood to be part of the statewide transportation system.
4. The interrelationships and regional linkages should be acknowledged as appropriate.

### **P. Action Element Overview**

Within the introductory paragraphs of the Action Element, an overview should summarize the most significant aspects of the Element.

### **Q. Transportation Strategies**

1. Each RTPA should include a discussion regarding implementation strategies as appropriate for the region.
2. Each project should be clearly and concisely represented and include the specific issues identified under "Transportation Strategies".
3. The Action Element should include a summary listed in the Action Element Overview.
4. To facilitate the process of project development, the specific need for the project should be identified.
5. The project purpose and need should be clearly related to the regional goals and policies and explain how the proposed improvements should address identified deficiencies (the "purpose" of the improvements).

### **Q. Transportation Strategies (continued)**

6. The purpose and need of the project should be at a level of detail commensurate with the regional perspective as addressed in the RTP.
7. An identified specific need should be the foundation of the subsequent, detailed statement of project “Purpose” and “Need” in the environmental document for the particular transportation solution.

### **R. Maps**

1. The Action Element should effectively communicate the components and time periods of the transportation system development.
2. The combination of both narrative and graphic displays such as maps and charts should be utilized to maximize understanding of the process and results of the RTP.
3. The Action Element should include: (1) maps showing short-range and long-range projects, (2) short-range and long-range level of service for transit and roads, (3) locations of interchanges on existing or planned freeways, and (4) environmental resources.
4. In producing the graphic representations, the Action Element should consider: (1) the use of metric and standard measurement units, (2) standardization of format to facilitate the sharing of information, and (3) development with Internet transmission and Website posting capabilities.

### **S. Funding Sources**

The RTPA should establish communication with funding agencies early in the planning process to assure both the availability of funds and compliance with the requirements to submit applications and secure the funds.

### **T. Environmental Considerations**

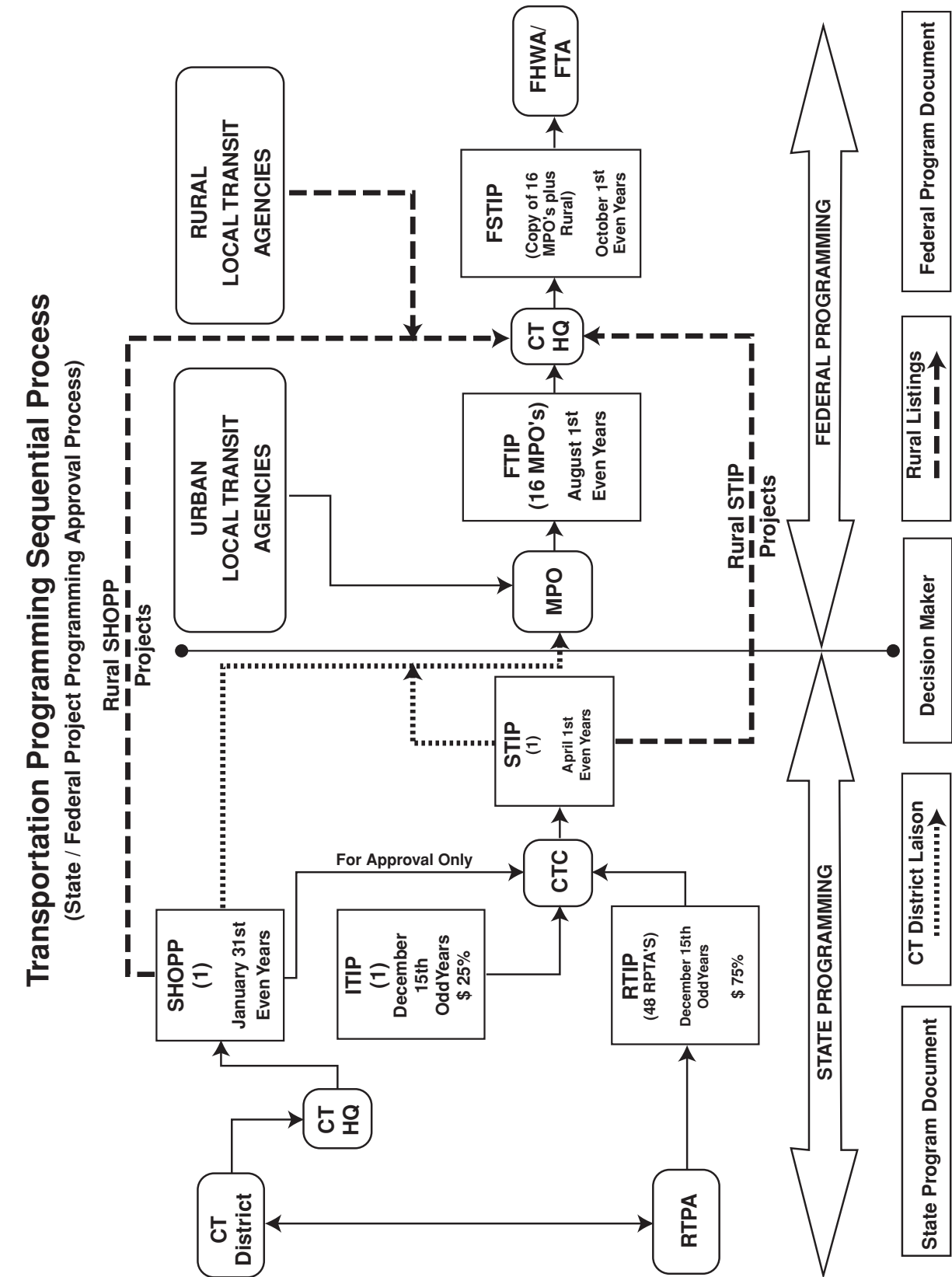
1. The RTPAs should seek to develop and implement the RTP alternatives that will minimize environmental damage.
2. For areas designated nonattainment for federal or state air quality standards, and areas with adopted “maintenance” plans, the RTP should include reference to air quality documentation.
3. Areas subject to conformity requirements should consult the “Documentation in the Conformity Analysis,” a checklist prepared by FHWA / FTA.

### **U. Supporting Data**

Each RTPA should include supplemental information either in the RTP, or in a separate document.



TRANSPORTATION PROGRAMMING SEQUENTIAL PROCESS



\_\_\_\_\_



## SECTION 5311 APPLICATION CHECKLIST

Applicant: \_\_\_\_\_ Headquarters Only: \_\_\_\_\_  
Contract: \_\_\_\_\_  
District: \_\_\_\_\_ County: \_\_\_\_\_ Subjob: \_\_\_\_\_  
EA: \_\_\_\_\_  
Application Received: \_\_\_\_\_ Grant: \_\_\_\_\_  
Project Description: \_\_\_\_\_

Listed on Program of Projects? \_\_\_\_\_ Yes \_\_\_\_\_ No \$ \_\_\_\_\_ Federal Share

### Funding Source:

\_\_\_\_\_ Regional Apportionment \_\_\_\_\_ Adequate Balance in Region?  
\_\_\_\_\_ Discretionary Fund  
\_\_\_\_\_ Flexible Funding: \_\_\_\_\_ STP \_\_\_\_\_ CMAQ  
\_\_\_\_\_ 5311(f)

### Application Complete?

#### Part I Applicant's Certifications (Handbook Pg. 9,10,11)

\_\_\_\_\_ Original Signatures \$ \_\_\_\_\_ Federal Share

#### Part II Regional Certifications (Handbook Pg. 12,13)

\_\_\_\_\_ Original Signatures \$ \_\_\_\_\_ Federal Share  
(Also required for Indian Reservations)

#### Part III Project Description (Handbook Pg. 14,15,16)

\_\_\_\_\_ Identify geographic area to be served  
\_\_\_\_\_ Identify type of service: fixed route, demand responsive, etc.  
\_\_\_\_\_ Describe accessibility to handicapped users  
\_\_\_\_\_ Describe marketing plan (brochures, schedules, etc.)

### OPERATING ASSISTANCE

#### DOES NOT APPLY

\_\_\_\_\_ Identify project period: FY \_\_\_\_\_  
\_\_\_\_\_ Identify who will operate service: \_\_\_\_\_ Applicant / \_\_\_\_\_ Other

If Other - Name Subcontractors:

\_\_\_\_\_ A copy of all third-party contract(s) is attached.  
\_\_\_\_\_ Third-party contract(s) covers entire project time period (i.e. FY).

### CAPITAL: Purchase of vehicle or equipment

#### DOES NOT APPLY

\_\_\_\_\_ Applicant using **State Contract** to procure vehicles  
\_\_\_\_\_ Application includes a complete description of vehicle being procured and *if available* a copy of the local agency request should be attached.  
\_\_\_\_\_ Applicant using **local** procurement to procure vehicles <refer to OFTA Memorandums dated December 14, 1998 & January 11, 2000 regarding Section 5311 Procurement Requirements & Caltrans Policy on ADA requirements  
\_\_\_\_\_ Describe number, size, type, lifts, tiedowns, additional or replacement (described vehicles to be replaced).  
\_\_\_\_\_ Procurement Schedule: estimate dates to solicit bids, award bid, take delivery, invoice Caltrans.  
(*dates must be timely and consistent with project*)



**CAPITAL:** Construction project or land acquisition

\_\_\_\_\_ **DOES NOT APPLY**

\_\_\_\_\_ Describe project to be built: Buildings, shelters, signs, and discuss displacement of persons or businesses.

\_\_\_\_\_ Describe land to be acquired: Location, size, zoning and compatible uses.

\_\_\_\_\_ Provide appraisals.

\_\_\_\_\_ Provide Assurances for Real Property Acquisition (Pg 49 of Handbook)

\_\_\_\_\_ Provide schedule for construction/acquisition <dates must be timely and consistent with project>

\_\_\_\_\_ Provide environmental documentation: Impact on traffic, air, water, trees and other resources.

**Part IV-A Project Budget/Operating Assistance** (Handbook Pg. 17, 18, 19, 20)

**Part IV-B Project Budget/Capital Grant** (Handbook Pg. 17, 18, 19, 20)

\_\_\_\_\_ Budget adds up: Local share + Federal share = Net Project Cost

Local share: \$ \_\_\_\_\_

Federal share: \$ \_\_\_\_\_

Net Project cost: \$ \_\_\_\_\_

\_\_\_\_\_ Source of local share not federal funds.

\_\_\_\_\_ Operating assistance: Project period identified as FY \_\_\_\_\_

\_\_\_\_\_ Same as identified in the Program of Projects?

\_\_\_\_\_ Federal share does not exceed:

\_\_\_\_\_ 50% for operating assistance / \_\_\_\_\_ 80% for Capital

\_\_\_\_\_ 88.53% for CMAQ or STP (Flex Funds)

\_\_\_\_\_ **Transfer of flexible funds from FHWA to FTA**

**Fund Type** \_\_\_\_\_

Date Completed \_\_\_\_\_

Copy of confirmation letter placed in file \_\_\_\_\_

Project in approved FTIP \_\_\_\_\_ Yes \_\_\_\_\_ No.

FTIP project description and project # submitted with application \_\_\_\_ Yes \_\_\_\_ No.

\_\_\_\_\_ **CAPITAL:** Provide budget detail.

**Part V Labor Union** (Handbook Pg. 21, 22)

Name of labor union or "none" listed for:

\_\_\_\_\_ Applicant

\_\_\_\_\_ Other operators in the service area

\_\_\_\_\_ Operator subcontracting with applicant

**Part VI Coordination with Social Services** (Handbook Pg. 23)

\_\_\_\_\_ Identify social services providers (including CTSA) and efforts to coordinate transportation services with them OR

\_\_\_\_\_ Include copy of prior submission

**Part VII Capital Projects: Public Hearing** (Handbook Pg. 24, 25)

\_\_\_\_\_ **DOES NOT APPLY**

\_\_\_\_\_ Provide notice of public hearing, published not less than 30 days prior to hearing date.

\_\_\_\_\_ Transcript of hearing indicating comments.

**Part VIII Debarment and Suspension: (Each Applicant receiving in excess of \$100,000 in FTA funds)**

\_\_\_\_\_ This Certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participants' Responsibilities. The regulations were publicized as Part VII of the May 26, 1988 Federal Register (Pages 19160-19211). (Handbook Pg. 26, 27, 28, 29)

**Part IX School Bus Operations Agreement**

\_\_\_\_\_ In accordance with Federal Transit Administration regulations, 49 CFR 605.14

**Part X Certification Regarding Lobbying: (Each Applicant receiving in excess of \$100,000 in FTA funds)**

\_\_\_\_\_ As required by U.S. DOT regulations, "New Restrictions on Lobbying," at 49 CFR 20.110. Each Applicant receiving Federal Assistance exceeding \$100,000 must provide a completed, signed "Certification Regarding Lobbying".

**Part XI Charter Service Agreement**

\_\_\_\_\_ As required by 49 U.S.C. 5323(d) and FTA regulations, "Charter Service" at 49 CFR 604.7

**Additional Documents:**

\_\_\_\_\_ **Authorizing Resolution:**

\_\_\_\_\_ Resolution contains all pertinent signatures

\_\_\_\_\_ Resolution pertains to FTA Section 5311 program

\_\_\_\_\_ Resolution identifies the person/position/title designated the responsibility to execute the standard agreements. (Handbook Pg. 6)

\_\_\_\_\_ **Indian Reservations:** Required Tribal Council Certification instead of a resolution.

\_\_\_\_\_ **Title VI** Assurances of Nondiscrimination on the Basis of Handicap (Handbook Pg. 32)

\_\_\_\_\_ ORIGINAL Title VI (dated \_\_\_\_\_) is attached.

\_\_\_\_\_ ORIGINAL Title VI (dated \_\_\_\_\_) is on file in the District and a copy is attached for headquarter' records.

\_\_\_\_\_ ORIGINAL Title VI (dated \_\_\_\_\_) is on file in the District and in Headquarters no copy sent with this application.

\_\_\_\_\_ ORIGINAL Title VI (dated \_\_\_\_\_) is on file in the District and a status/update report is attached. Status/updates beginning FY 2000/2001 and then every three years thereafter. (2000, 2003, 2006...).

\_\_\_\_\_ **DBE Disadvantaged Business Enterprise Program** (Handbook Pg. 59) Local grantees **receiving in excess of \$250,000 in FTA funds excluding vehicle purchases**, must meet the requirements of the U.S. Department of Transportation's Minority Business Enterprise Regulations (49 CFR Part 23). Grantees are annually required to submit their formal DBE programs.

\_\_\_\_\_ ORIGINAL DBE Program (dated \_\_\_\_\_) is attached.

\_\_\_\_\_ ORIGINAL DBE Program (dated \_\_\_\_\_) is on file in the District and a copy is attached for headquarters records.

\_\_\_\_\_ ORIGINAL DBE Program (dated \_\_\_\_\_) is on file in the District and in Headquarters no copy is attached with this application.

Other Section 5311 applicants, though not required to prepare a formal DBE Program, are required to have a mechanism in place to take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that DBEs have the maximum opportunity to compete for and perform contracts. (Handbook Pg. 59)

\_\_\_\_\_Applicant (**not receiving in excess of \$250,000 in FTA funds**) has taken the necessary steps to meet the requirements of 49 CFR Part 23).

Beginning with FY 1999/2000, each agency must have a current/complete Title VI on file with the Department. In addition, agency must have an approved DBE Program on file and/or demonstrate that they have met the requirements for 49 CFR Part 23.

Application reviewed by:

\_\_\_\_\_  
Name Title Date

**Recommendation:**

- ☐ 1. Application Complete: Mass Transportation/OFTA to prepare the standard agreement.
- ☐ 2. Application NOT Complete: Pending the submittal of the following documents:

Document(s)

Date Expected


**COMMENTS**


Package sent to MTP \_\_\_\_\_  
(Date)